

JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1984

HELD IN THE CITY OF MONTGOMERY, ALABAMA
COMMENCING TUESDAY, FEBRUARY 7, 1984



Vol. 1
WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE

CONTENT

To facilitate research in the Senate Journal, the following information is included at the end for your convenience:

1. Legislative roster, listing names and addresses of all members of the current Legislature by district;
2. A listing of legislative days, with calendar dates and pages on which each day begins;
3. A topic index of general bills listed alphabetically by subject matter;
4. A topic index of local bills listed alphabetically by counties;
5. A topic index of resolutions;
6. A miscellaneous index, including all items not categorized as bills or resolutions;
7. A sponsor index, listing all Senate bills and resolutions alphabetically by author;
8. A Senate bill numerical index, with short titles;
9. A House bill numerical index, with short titles;
10. A Senate joint resolution, Senate resolution numerical index, with short titles;
11. House joint resolution numerical index, with short titles;
12. Act Index.

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FIRST LEGISLATIVE DAY
TUESDAY, FEBRUARY 7, 1984

This being the first Tuesday in February, A.D., 1984, and the day fixed by law and the Constitution of the State of Alabama for the annual meeting of the Legislature of Alabama:

The Senate of Alabama assembled in the Senate Chamber in the City of Montgomery at 12 o'clock Noon, and was called to order by Lieutenant Governor Baxley, President and Presiding Officer of the Senate.

McDowell Lee, Secretary, was present and acted as such according to law.

PRAYER

The Session was opened with prayer by Doctor Karl K. Stegall, Minister, First United Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Cooley	Foshee	Mitchem
Aldridge	Corbett	Goodwin	Parsons
Amari	Covington	Hand	Pearson
Bailey	deGraffenried	Hilliard	Smith (B)
Barron	Denton	Holmes	Smith (J)
Bedsole	Dial	Langford	Strong
Bennett	Dixon	Little	Teague
Cabaniss	Ellis	Menton	

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LEAVE OF ABSENCE

On motion of Senator Teague, leave of absence was granted Senators Bedford, Bishop, Drinkard, Figures, and Sanders for today.

RESOLUTIONS

Senator Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 1. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That a committee of three members of the Senate, to be named by the Presiding Officer of the Senate, and three members of the House, to be named by the Speaker of the House, be appointed to notify the Governor that the Legislature is now in session

and is ready for the transaction of business.

On motion of Senator Teague, the Rules were suspended and the Resolution was adopted by the Senate.

The President and Presiding Officer of the Senate appointed as members on part of the Senate Senators Goodwin, Smith (J), and Corbett.

Senator Teague then offered the following Senate Joint Resolution, to-wit:

S. J. R. 2. COMMITTEE APPOINTED TO ESCORT THE GOVERNOR TO THE JOINT SESSION.

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a joint session of the House and Senate be held at 11 o'clock A.M. on February 9, 1984, for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

BE IT FURTHER RESOLVED That a committee of three from the Senate, to be named by the Presiding Officer of the Senate, and three from the House, to be named by the Speaker of the House, be appointed to wait upon the Governor and advise him for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

On motion of Senator Teague, the Rules were suspended and the Resolution was adopted by the Senate.

The President and Presiding Officer of the Senate appointed as members on part of the Senate Senators Langford, Menton, and Barron.

NOTICE IN WRITING

Senator Little filed the following Notice in Writing, to-wit:

Notice is hereby given in accordance with Senate Rules that on the next legislative day a motion will be made to add the following new Rule 80 as follows:

Rule 80. All salary, expense allowances or other increases in compensation or benefits of any form whatsoever of members of the legislature shall only be passed by a roll call recorded vote.

MESSAGE FROM THE HOUSE

Mr. President:

I have been directed by the House to advise the Senate that the House is now in session and is ready for the transaction of public business.

JOHN W. PEMBERTON,
Clerk.

NOTICE IN WRITING

Senator Pearson filed the following Notice in Writing, to-wit:

Notice is hereby given that on the next legislative day a motion will be made to amend the Senate Rules as follows:

Amend Senate Rule 51 (20) by striking the words and figures "eight (8)" in the last sentence and substituting in lieu thereof the words and figures "six (6)".

INTRODUCTION OF BILLS

The following Bills, having been pre-filed with the Secretary of the Senate under the provisions of Joint Rule 10, were severally read one time, and previous referrals by the President and Presiding Officer to appropriate Standing Committees were confirmed, as follows:

By Senator Corbett:

S. 1. Relating to intercepting or monitoring of customer telephone communications; providing for certain circumstances in which such communications can be monitored; making it a crime to intercept or monitor such communications in other circumstances; and prescribing penalties for violations under this act.

Committee on Judiciary.

By Senator Corbett:

S. 2. To provide further for warranties on new motor vehicles and provides for refunds for failure to conform to said warranties.

Committee on Consumer Affairs.

By Senator Bedsole:

S. 3. To amend Section 32-5-215, Code of Alabama 1975, to prohibit tinting or making reflective or affecting transparency of certain windshields and certain windows of motor vehicles.

Committee on Judiciary.

By Senator Corbett:

S. 4. To provide for the use of blue reflective markers, of varying types, for the purpose of indicating the location of fire/water hydrants along public roads.

Committee on Governmental Affairs.

By Senator Corbett:

S. 5. To amend Section 40-21-82.1, Code of Alabama 1975, which provides for certain exemptions from the utility gross receipts tax, so as to include the Ladonia-Crawford Water and Fire Protection Authority within the exemptions.

Committee on Finance and Taxation.

By Senator Figures (With Notice and Proof):

S. 6. To provide for an adjustment in certain benefits paid under the pension and relief system for policemen and firemen of the City of Mobile to retired members of such system who retired after October 1, 1977, and before May 4, 1978.

Committee on Local Legislation No. 3.

I hereby certify that the notice and proof is attached to the Bill, S. B. 6, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Corbett:

S. 7. To require the testing of certain students in public schools for idiopathic scoliosis.

Committee on Health and Welfare.

By Senators Foshee, Teague, and Covington:

S. 8. To prohibit the payment of any judgment, fine, legal fees or charges, or court costs against any state public officer or official in his individual capacity from appropriations made to such individual's agency or department; to prohibit any department head, state comptroller, state treasurer, state budget officer or any other public officer from authorizing the payment of any such fine against any individual, in his individual capacity, from state funds, unless first authorized by the state board of adjustment or the Alabama legislature; and to repeal any conflicting laws.

Committee on Governmental Affairs.

By Senator Bennett:

S. 9. To amend sections 17-22-8, 17-22-9 and 17-22-10, Code of Alabama 1975, relating to reporting of contributions and expenditures of political candidates' committees, so as to require all contributions to be made to the committees, to require all committees to report and to require committees of candidates for legislative and statewide offices to file certain additional statements.

Committee on Governmental Affairs.

By Senator Denton:

S. 10. To amend Section 11-43-40, Code of Alabama, 1975, relating to the composition of city councils in cities having a population of 12,000 or more so as to provide for a procedure to establish a council of not more than seven aldermen to be elected from districts and a council president to be elected at large; to provide a waiver of the requirement that the composition of a city council in a city having a population of 12,000 or more must be changed at a time more than six months prior to any general municipal election in the event the voters of such city have voted to change the form of government to the mayor-council form of government at an election held at a time within nine months of the date of the next ensuing general municipal election.

Committee on Governmental Affairs.

By Senator Teague:

S. 11. To make an additional appropriation to the Alabama Real Estate Commission from the Alabama Real Estate Commission Fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1984.

Committee on Finance and Taxation.

By Senators Smith (J), Bennett, and Hilliard:

S. 12. To prohibit the acts of shooting or discharging a firearm, explosive or other weapon which discharges a dangerous projectile into any occupied or unoccupied dwelling or building or railroad locomotive or railroad

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car, aircraft, automobile, truck or watercraft and to prescribe felony punishment for such acts.

Committee on Judiciary.

By Senator Denton:

S. 13. To amend Sections 34-8-1 and 34-8-7, Code of Alabama 1975, to include a swimming pool contractor in the definition of "general contractor" found within Title 34, Chapter 8, Code of Alabama 1975, and to exclude a swimming pool contractor from the exemptions found within Section 34-8-7, Code of Alabama 1975.

Committee on Commerce,
Transportation, and Utilities.

By Senator Holmes:

S. 14. To amend further Section 40-20-2, Code of Alabama 1975, as last amended by Act No. 83-889, H. 26, Fourth Special Session 1983, relating to the levy of a state oil and gas severance tax, so as to provide a ten percent (10%) exemption on newly discovered oil and gas wells.

Committee on Finance and Taxation.

By Senator Holmes:

S. 15. To make an appropriation from the Special Educational Trust Fund to the State of Alabama Small Business Procurement System.

WHEREAS, in 1982 the U. S. Government spent \$3.2 billion for procurement in Alabama and Alabama firms received only five percent (5%) of that business; and

WHEREAS, the purpose of the System is to build on the existing network of twelve (12) Small Business Development Centers (SBDC's) in Alabama to develop government procurement/contracting opportunities for Alabama small businesses; and

WHEREAS, the proposed automated data-based State of Alabama Small Business Procurement System would have the following configuration:

1. System development, maintenance, and control functioning would be housed at the ASBDC State Office at The University of Alabama in Birmingham.

2. System Input—Information concerning invitations for bid (IFB), pre-bid announcements and related contract data would be accumulated from federal government purchasing offices in Florida, Georgia, Alabama, Mississippi, Louisiana, and Tennessee; State of Alabama purchasing offices; local government agencies including county, city, school board, and related agencies; and prime contractors and private industry summarized and entered into the system. Contracting capabilities of Alabama firms would be entered into the system.

3. System Output—System would match each client firm's capabilities with contracting opportunities and prepare pre-mailer to firm as notification of the contracting opportunity on a weekly basis. This output would occur at each of the twelve (12) local SBDC's. Local SBDC staff would provide follow-through with client firms and on-going consultation; and

WHEREAS, the proposed System, after two (2) years of operation, should double the amount of government contracting dollars going to Ala-

bama's small businesses; now therefore,

Committee on Small Business.

By Senator Holmes:

S. 16. To require that contracts entered into by the State of Alabama must be executed in a timely manner.

Committee on Small Business.

By Senator Holmes:

S. 17. To amend Section 25-10-6, Code of Alabama 1975, which provides for the membership on the small business assistance advisory council, so as to increase legislative members on the council.

Committee on Small Business.

By Senator Holmes:

S. 18. To create, within the office of the Governor, an Alabama Small Business Office of Advocacy to serve as the principal advocate in the state on behalf of small businesses, including advisory participation in the consideration of legislation and administrative regulations affecting small businesses; to specify the functions and duties of the office; and to require the office to submit an annual report to the Governor and the legislature describing the activities and recommendations of the office.

Committee on Small Business.

By Senator Holmes:

S. 19. To amend Sections 13A-9-13.1 and 13A-9-13.2 of the Code of Alabama 1975, relating to negotiating worthless negotiable instruments, so as to provide further for service charges and penalties for negotiating such worthless instruments.

Committee on Judiciary.

By Senator Holmes:

S. 20. To permit small businesses and individuals to recover the costs of defending against a state agency when they prevail in court upon appeal.

Committee on Small Business.

By Senator Holmes:

S. 21. To create a regulatory information service within the Alabama Development Office to provide assistance and information to citizens interested in establishing or engaging in a commercial activity.

Committee on Small Business.

By Senator Bennett:

S. 22. To amend the "Hazardous Waste Management Act of 1978," as amended, specifically amending Sections 22-30-3, 22-30-12, 22-30-13, 22-30-15, 22-30-16, 22-30-17, 22-30-18, 22-30-19 and 22-30-21, Code of Alabama 1975, so as to clarify the definition of disposal and add a definition of transporter; ensure that the Alabama Department of Environmental Management (ADEM) has sufficient time to review permit applications prior to approval or disapproval; more fully define the responsible party for permit issuance; require that out-of-state shipments of hazardous waste be transported to and disposed of at only those facilities which have been approved

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by the United States Environmental Protection Agency (EPA) or a state pursuant to a hazardous waste management program approved by EPA; clarify the Alabama program's authority to promulgate transporter regulations to protect human health and the environment; clarify the application of trade secret protection; clarify and enlarge the penalties section by amending the civil monetary penalties section, eliminating duplicate criminal liability provisions and clarifying the state's authority to require correction of violations; provide that the 90-day exemption relating to the storage of hazardous waste applies only to on-site storage by the generators of such waste; provide for further regulation of certain transporters; and allow the substitution of proper shipping papers for the manifest for certain transporters.

Committee on Health and Welfare.

By Senator Drinkard:

S. 23. To amend Sections 40-9-19 and 40-9-21, Code of Alabama 1975, which provides for ad valorem tax exemptions, so as to provide further for the homestead provision for persons 65 years old or older.

Committee on Finance and Taxation.

By Senator Parsons:

S. 24. To amend Section 12-18-60, Code of Alabama 1975, relating to benefits payable to spouses upon the death of district judges.

Committee on Finance and Taxation.

By Senator Parsons:

S. 25. To amend Section 11-50-234, Code of Alabama 1975, relating to the Board of Directors of Water Works and Sewer Boards formed under Division 1, Article 8, Chapter 50 of said Code so as to authorize the governing body of any municipality which has heretofore or hereafter authorized the creation of such a corporation to increase the board of directors of the same from three to five members, any provision of the Articles of Incorporation of such corporation to the contrary notwithstanding.

Committee on Governmental Affairs.

By Senator Parsons:

S. 26. To amend Section 16-24-5, Code of Alabama 1975, which provides for transfers of teachers, so as to provide that any teacher on continuing service status shall retain such status when transferred among school districts.

Committee on Education.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 27. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama State Board of Social Work Examiners as provided in Sections 34-30-50 through 34-30-58, Code of Alabama 1975, and the legislature's concurrence thereof.

Committee on Governmental Affairs.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 28. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Psychology as pro-

vided in Sections 34-26-1 through 34-26-48, Code of Alabama 1975, and the Legislature's concurrence thereof.

Committee on Governmental Affairs.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 29. Relating to the Alabama Sunset law; to continue the existence and functioning of the Alabama State Board of Public Accountancy as provided in Sections 34-1-1 through 34-1-22, Code of Alabama 1975, and the legislature's concurrence thereof.

Committee on Governmental Affairs.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 30. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Cosmetology as provided in Sections 34-7-1 through 34-7-47, Code of Alabama 1975, and the legislature's concurrence thereof.

Committee on Governmental Affairs.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 31. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Funeral Service as provided in Sections 34-13-1 through 34-13-31, Code of Alabama 1975, and the legislature's concurrence thereof.

Committee on Governmental Affairs.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 32. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Real Estate Commission as provided in Sections 34-27-1 through 34-27-38, Code of Alabama 1975, and the legislature's concurrence thereof.

Committee on Governmental Affairs.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 33. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Alcoholic Beverage Control Board as provided in Sections 28-3-40 through 38-3-53, Code of Alabama 1975, and the legislature's concurrence thereof.

Committee on Governmental Affairs.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 34. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Insurance Department as provided in Sections 27-2-1 through 27-2-55, Code of Alabama 1975, and the legislature's concurrence thereof.

Committee on Governmental Affairs.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 35. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Securities Commission as provided in Sections 8-6-50 through 8-6-60, Code of Alabama 1975, and the legislature's concurrence thereof.

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By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 36. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Pilotage Commissioners as provided in Sections 33-4-1 through 33-4-14, Code of Alabama 1975, and the legislature's concurrence thereof.

Committee on Governmental Affairs.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 37. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Public Service Commission as provided in Sections 37-1-1 through 37-1-157, Code of Alabama 1975, and the legislature's concurrence thereof.

Committee on Governmental Affairs.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 38. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Professional Entomologists, horticulturists, plant pathologists, floriculturists and tree surgeons examining board as provided in Sections 2-28-1 through 2-28-12, Code of Alabama 1975, and the legislature's concurrence thereof.

Committee on Governmental Affairs.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 39. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Heating, Air Conditioning, Roofing and Sheet Metal Contractors as provided in Sections 34-31-1 through 34-31-34, Code of Alabama 1975, and the legislature's concurrence thereof.

Committee on Governmental Affairs.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 40. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Mine Personnel as provided in Sections 25-9-1 through 25-9-370, Code of Alabama 1975, and the legislature's concurrence thereof.

Committee on Governmental Affairs.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 41. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbing Examiners Board as provided in Section 40-12-145, Code of Alabama 1975, and the legislature's concurrence thereof.

Committee on Governmental Affairs.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 42. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Liquified Petroleum Gas Board as provided in Sections 9-17-100 through 9-17-110, Code of Alabama 1975, and the legislature's concurrence thereof.

Committee on Governmental Affairs.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 43. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Auctioneers as provided in Sections 34-4-1 through 34-4-54, Code of Alabama 1975, and the legislature's concurrence thereof.

Committee on Governmental Affairs.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 44. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Nursing as provided in Sections 34-21-1 through 34-21-26, Code of Alabama 1975, and the legislature's concurrence thereof.

Committee on Governmental Affairs.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator deGraffenried:

S. 45. To require competitive bids on all public contracts for the services of attorneys rendered in connection with the issuance of bonds, warrants, or other securities.

Committee on Constitutional Revision.

By Senator Mitchem:

S. 46. To make a supplemental appropriation of \$500,000 from the Alabama Special Educational Trust Fund to the Alabama Commission on Higher Education for the fiscal year 1983-84.

Committee on Finance and Taxation.

By Senator Little:

S. 47. To amend Section 12-1-8, Code of Alabama 1975, which relates to cases in which courts may issue attachments and inflict summary punishment for contempt, so as to provide that said power of the court shall not extend to instances where persons have contacted the media with criticisms of the court.

Committee on Judiciary.

By Senator Aldridge:

S. 48. To amend Section 10-4-109, Code of Alabama 1975, relating to the regulation of rates, charges, fees and dues to be paid by the public for certain health care service plans, so as to require that payments made by such health care service plans to health care facilities shall be made based on charges rather than audited costs.

Committee on Health and Welfare.

By Senators Dixon, deGraffenried, Holmes, Smith (J), Little, and Teague:

S. 49. To amend Section 16-8-26, Code of Alabama, 1975, which provides for personal leave for teachers, so as to provide further for said leave, and to provide for creditable service for purposes of service retirement for unused accrued sick leave.

Committee on Education.

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By Senator Barron:

S. 50. To authorize the State Health Department to establish a training program for persons interested in qualifying to perform soil percolation tests and soil borings. Further authorizing the Health Department to charge necessary registration fees for attending the course, to help offset any expenses. To further authorize members of the County Health Departments to assist in performing tests and to charge a fee to recover the actual expenses incurred.

Committee on Health and Welfare.

By Senators Bedsole, Strong, Cabaniss, Parsons, and Hilliard:

S. 51. To provide individual taxpayers with a deduction for state income tax purposes for certain child day-care expenses identical to the credit against federal income taxes for such expenses provided by 26 USCA 44A, as amended from time to time.

Committee on Finance and Taxation.

By Senator deGraffenried:

S. 52. To amend Section 27-29-1, which provides for the definitions of Insurance Holding Company Systems, so as to provide further for the exemptions from the definition of "insurer."

Committee on Banking and Insurance.

By Senator deGraffenried:

S. 53. To make a supplemental appropriation of \$624,349 from the Alabama Special Educational Trust Fund to the University of Alabama in Birmingham for the Department of Pediatrics-Children's Hospital for the fiscal year 1983-1984.

Committee on Finance and Taxation.

By Senators Mitchem, Little, Foshee, Strong, deGraffenried, Denton, Smith (B), Corbett, Dixon, Barron, Covington, Bedsole, Hand, Bailey, Bennett, Teague, Dial, Menton, Aldridge, Ellis, Smith (J), Langford, Cabaniss, Holmes, Cooley, Parsons, Hilliard, Pearson, Goodwin, and Amari:

S. 54. To provide further for funding of legislative services and establish procedures therefor.

Committee on Finance and Taxation.

By Senator deGraffenried:

S. 55. To authorize certain Mutual Aid Associations to increase their paid-in capital.

Committee on Banking and Insurance.

By Senators Dixon, Langford, Cabaniss, Smith (J), and Teague:

S. 56. To further provide for payroll deductions for state employees.

Committee on Governmental Affairs.

By Senator deGraffenried:

S. 57. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, replacing and superseding Article VII; specifically repealing Sections 173 through 176 of the Constitution of 1901, as amended, relating to impeachments, and all other conflicting provisions of said Constitution and amendments thereto; providing for an election thereon and prescribing an effective date for the proposed amendment.

Committee on Constitutional Revision.

The above Bill was read a first time at length as required by the Constitution.

By Senator deGraffenried:

S. 58. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, replacing and superseding Article VIII; specifically repealing Sections 177 through 196 of the Constitution of 1901, as amended, relating to Suffrage and Elections, and all other conflicting provisions of said Constitution and amendments thereto; providing for an election thereon and prescribing an effective date for the proposed Amendment.

Committee on Constitutional Revision.

The above Bill was read a first time at length as required by the Constitution.

By Senator deGraffenried:

S. 59. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, replacing and superseding Article XIV; specifically repealing Sections 256 through 270 of the Constitution of 1901, as amended, and Amendments 111 and 284, relating to Education, and all other conflicting provisions of said Constitution and amendments thereto; providing for an election thereon and prescribing an effective date for the proposed Amendment.

Committee on Constitutional Revision.

The above Bill was read a first time at length as required by the Constitution.

By Senator deGraffenried:

S. 60. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, replacing and superseding Article XI, specifically repealing Sections 211 through 219 and Amendments 26, 26A, 325 and 373, of the Constitution of 1901, as amended, relating to taxation and debt limitation, and all other conflicting provisions of said Constitution and amendments thereto; providing for an election thereon and prescribing an effective date for the proposed Amendment.

Committee on Constitutional Revision.

The above Bill was read a first time at length as required by the Constitution.

By Senator deGraffenried:

S. 61. Proposing an amendment to the Constitution of 1901, as amended, relating to the mode of amending or completely revising the said

Constitution, or proposing a new Constitution.

Committee on Constitutional Revision.

The above Bill was read a first time at length as required by the Constitution.

By Senator deGraffenried:

S. 62. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, replacing and superseding Article III; specifically repealing Sections 42 and 43 of the Constitution of 1901, as amended, relating to the Distribution of Power of Government, and all other conflicting provisions of said Constitution and amendments thereto; providing for an election thereon and prescribing an effective date for the proposed Amendment.

Committee on Constitutional Revision.

The above Bill was read a first time at length as required by the Constitution.

By Senator deGraffenried:

S. 63. To provide for holding a convention to revise and amend the Constitution of this state; to provide consulting and professional assistance, and to make a conditional appropriation.

Committee on Constitutional Revision.

By Senator deGraffenried:

S. 64. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, replacing and superseding Article IV; specifically repealing Sections 44 through 111 of the Constitution of 1901, as amended, relating to the Legislative Department, and all other conflicting provisions of said Constitution and amendments thereto; providing for an election thereon and prescribing an effective date for the proposed Amendment.

Committee on Constitutional Revision.

The above Bill was read a first time at length as required by the Constitution.

By Senator deGraffenried:

S. 65. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, replacing and superseding Article IX; specifically repealing Sections 197 through 204 of the Constitution of 1901, as amended, relating to Representation, and all other conflicting provisions of said Constitution and amendments thereto; providing for an election thereon and prescribing an effective date for the proposed Amendment.

Committee on Constitutional Revision.

The above Bill was read a first time at length as required by the Constitution.

By Senator deGraffenried:

S. 66. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, replacing and superseding Article II; specifically repealing Sections 37 through 41 of the Constitu-

tion of 1901, as amended, relating to the State and County Boundaries, and all other conflicting provisions of said Constitution and amendments thereto; providing for an election thereon and prescribing an effective date for the proposed Amendment.

Committee on Constitutional Revision.

The above Bill was read a first time at length as required by the Constitution.

By Senator deGraffenried:

S. 67. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, replacing and superseding Articles II and XII, specifically repealing Sections 37 through 41 and Sections 220 through 232, Constitution of 1901, as amended, relating to local boundaries, local government and corporations and all other conflicting provisions of said Constitution and amendments thereto; providing for an election thereon and prescribing an effective date for the proposed Amendment.

Committee on Constitutional Revision.

The above Bill was read a first time at length as required by the Constitution.

By Senator Covington:

S. 68. To authorize the Clerk of the House and the Secretary of the Senate to appoint certain full-time and part-time legislative security officers for their respective jurisdictions; to prescribe the training and qualifications, the compensation, powers and duties of such officers; to provide and to prescribe the benefits for such officers.

Committee on Buildings and Grounds.

By Senator deGraffenried:

S. 69. To regulate the practice of building design; to provide for the registration of qualified persons as professional building designers; to create the Alabama State Board of Registration of Building Designers; to provide for the appointment of its members; to fix the term of the members of the board and to define the powers and duties of the board; to provide the minimum qualifications and other requirements for registration; to establish the building designer fund and to provide for the enforcement of this act.

Committee on Governmental Affairs.

By Senator Smith (J):

S. 70. To permit the Commissioner of Insurance to levy a civil penalty of not more than \$10,000.00 for violations of Insurance Code following an administrative hearing.

Committee on Buildings and Grounds.

By Senator Smith (B):

S. 71. Relating to banks and branch banking: To permit any bank maintaining an office within any metropolitan statistical area to establish one or more branches at any location within said metropolitan statistical area with the consent and approval of the Superintendent of Banks; to define the term "metropolitan statistical area"; and to repeal all laws or parts of laws in conflict with this Act; to provide that the provisions of this Act

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are cumulative; to provide for severability of the provisions of this Act and to provide for an effective date of this Act.

Committee on Buildings and Grounds.

By Senators Aldridge and Menton:

S. 72. To amend Section 36-7-40 of the Code of Alabama 1975 so as to further provide for the reimbursement of state employees for moving expenses.

Committee on Finance and Taxation.

By Senator Barron:

S. 73. To amend Sections 9-11-55 and 9-11-56, Code of Alabama 1975, which provides for nonresident annual and trip fishing licenses, so as to increase the fees for said licenses.

Committee on Agriculture,
Conservation, and Forestry.

By Senator Denton:

S. 74. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1985, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Committee on Finance and Taxation.

By Senators Langford, Bailey, and Teague:

S. 75. To provide salary increases for certain state employees and to appropriate funds therefor.

Committee on Finance and Taxation.

By Senator Teague:

S. 76. To further regulate and control transactions in alcoholic beverages which take place in Alabama by and under the supervision of the Alabama alcoholic beverage control board; to authorize municipal option elections to determine classification of municipalities as wet or dry municipalities as to alcoholic beverages; to provide that any municipality having a population of 6,000 or more located in a dry county, may change its classification from dry to wet or wet to dry by a municipal option election, upon the petition of 10% of the number of registered voters in said municipality; to provide for the manner and requirements of holding said municipal option election and for payment of the expenses of same; and to provide that a period of not less than 720 days must elapse between the dates of such municipal option elections.

Committee on Governmental Affairs.

By Senators Teague, Langford, Aldridge, Dial, deGraffenried, Holmes, Strong, Bennett, Pearson, and Hilliard:

S. 77. To provide a fifteen percent or other cost-of-living increase for certain personnel in public education for the fiscal year ending September 30, 1985.

Committee on Finance and Taxation.

By Senator Smith (J):

S. 78. Providing for the termination of parental rights and responsibilities of parents who are unable or unwilling to discharge their responsibilities to and for the child; providing certain definitions; enumerating the circumstances to be considered by the court in cases where such rights and responsibilities are sought to be terminated; providing for the procedure to be followed in termination cases; providing for the disposition of such cases; and providing for periodic review of the circumstances of certain children.

Committee on Judiciary.

By Senator Langford:

S. 79. To amend Section 17-16-6, Code of Alabama 1975, which relates to the time and place for holding primary elections, except special primary elections and presidential preference primaries, so as to provide that primary elections shall be held on the first Tuesday in June, and a runoff election, if necessary, shall be held on the fourth Tuesday thereafter, effective June 5, 1984, and thereafter.

Committee on Governmental Affairs.

By Senator Smith (J):

S. 80. To amend Section 15-18-83, Code of Alabama 1975, relating to persons who may be present at an execution for a capital criminal offense, so as to expand media coverage of such execution by providing for certain additional persons to be in attendance at such execution.

Committee on Judiciary.

By Senator Menton:

S. 81. To amend the penalty provisions of certain code sections of Article 2 of Chapter 12 of Title 9, Code of Alabama 1975, specifically Sections 9-12-32 (private reefs), 9-12-33 (culling of oysters), 9-12-42 (oyster replanting), 9-12-45 (terrapins), 9-12-46 (minimum weight of commercial shrimp), 9-12-54.7 (live bait dealers), 9-12-82 (oyster catcher license), 9-12-114 (license for wholesale and retail dealers of fresh saltwater fish), 9-12-116 (inspection of places of business), 9-12-117 (illegal tackle, illegal fishing devices or unlicensed boats or vessels), and 9-12-121 (general penalty provisions of Article 2 of Chapter 12, Title 9), so as to increase the penalties thereof.

Committee on Agriculture,
Conservation, and Forestry.

By Senator Denton:

S. 82. To amend section 32-5-17, Code of Alabama 1975, relating to the nuisance of casting a light from a motor vehicle on real property at night, so as to change the hours of its effect.

Committee on Agriculture,
Conservation, and Forestry.

By Senator deGraffenried:

S. 83. To establish a time limit for the conversion to a full line life and disability insurer by certain Mutual Aid Associations under the provisions of Section 27-1-14, Code of Alabama 1975, and to establish certain administrative requirements.

Committee on Banking and Insurance.

By Senator Smith (J):

S. 84. To further amend the probate laws so as to clarify certain inconsistencies in portions of the "Probate Code" and probate laws by amending Sections 43-2-230, 43-2-231, 43-2-312, 43-2-313, 43-2-315, 43-2-316, 43-2-336, 43-2-412, 43-2-441, 43-2-442, 43-2-450, 43-2-510, 43-8-114, 43-8-132, as amended and repealing Sections 43-2-314, 43-2-317, 43-2-449, 43-2-466 as amended, of the Code of Alabama.

Committee on Judiciary.

By Senator Cabaniss:

S. 85. To amend Section 36-19-41 and Section 36-19-43, Code of Alabama 1975, as amended, so as to provide that the state fire marshal, law enforcement agencies, and insurance companies will make available to each other certain information regarding fire losses of real or personal property.

Committee on Banking and Insurance.

By Senator Cooley:

S. 86. To provide for court ordered continuing income withholding by employers as a means of child support enforcement; to provide that such order shall be included as a part of any original judgment or decree for the payment of child support; to provide that such order may be entered after notice and a hearing as a post judgment remedy for the enforcement of delinquent child support amounts in addition to enforcing continuing, prospective child support obligations; to provide for the content of orders entered pursuant to this Act; to provide that income withholding orders shall be binding upon present and successive employers; to provide for the service of orders entered pursuant to this Act upon the employer; to provide for the modification or termination of income withholding orders; to provide for the collection of certain fees for the filing of a petition for an income withholding order and for the collection of certain service fees; to provide that an income withholding order for child support shall take precedence over any other notice of garnishment; to provide that no employer may discharge or refuse to hire a person who is the subject of an income withholding order; to provide that any employer who refuses to comply with the order may be deemed to be in contempt of court; and further to specifically repeal Sections 6-6-490 through 6-6-493, Code of Alabama 1975, relating to garnishments to enforce child support.

Committee on Judiciary.

By Senator Cooley:

S. 87. To provide for the enactment of the Alabama Uniform Parentage Act, creating a civil cause of action in the courts of this state for the determination of paternity for the purposes of support and other reasons; to provide for the definition of the parent and child relationship and methods for the establishment of said relationship; to provide for a presumption of paternity; to provide for the jurisdiction of actions to determine paternity and support under this Act in those courts exercising jurisdiction over juvenile proceedings; to provide for the venue and service of process in said proceedings; to provide for the determination of the existence or non-existence of the father and child relationship and when and by whom these actions may be brought; to specifically provide that applicable sections of the Criminal Code shall remain available for the enforcement of a child's right to support; to provide for court-ordered blood tests, the selection of expert witnesses and evidence relating to paternity and the admissibility of such

evidence; to provide for court orders determining paternity and the payment of support and the enforcement of such orders by the mother, the child or public authorities furnishing expenses and support; to provide that written agreements for support shall be enforceable by the courts; to provide that any party may be represented by an attorney and that the district attorney, special prosecutor and other attorney authorized to represent the State of Alabama shall prosecute all proceedings under this Act; to provide a statute of limitations for paternity actions under this act; to provide that any interested party may also bring an action to determine the existence or non-existence of the mother and child relationship; to provide for the issuance of a new birth certificate upon a determination of paternity; to further provide for the appeal of judgments rendered pursuant to this Act to the circuit court for a trial de novo and by a jury, if demanded; to provide for the treatment of the husband of a woman who has been the subject of artificial insemination with his consent, as the natural father of a child born thereof; and to specifically repeal Sections 26-12-1 through 26-12-9, Code of Alabama 1975.

Committee on Judiciary.

By Senator Cabaniss:

S. 88. To amend section 37-3-4, Code of Alabama 1975, relating to the exemption of certain motor vehicle carriers from regulation by the Public Service Commission, so as to include wrecker services within the exemptions.

Committee on Commerce,
Transportation, and Utilities.

By Senator Smith (J):

S. 89. To amend Section 40-12-271 of the Code of Alabama 1975, relating to the required issuance of motor vehicle licenses so as to require the mailing of written license renewal notices to licensees in advance of the scheduled time for renewal by the responsible county officer.

Committee on Governmental Affairs.

By Senator Cabaniss:

S. 90. To amend Section 36-19-24 of the Code of Alabama 1975, relating to reports of fire losses on all property insured within the state so as to require such reports only on those fire losses where the loss exceeds the amount of \$500.00.

Committee on Banking and Insurance.

By Senator Smith (J):

S. 91. To amend Section 8-8-5 of the Code of Alabama 1975, which relates to interest rates, so as to remove the Sunset or termination date on the provisions of said section as it applies to loans of \$25,000.00 or less.

Committee on Banking and Insurance.

By Senator Cabaniss:

S. 92. To repeal Section 4-2-35.1, Code of Alabama 1975, as provided by Act No. 83-202, S. 33, 1983 Second Special Session, which creates the

position of assistant director of the Department of Aeronautics.

Committee on Commerce,
Transportation, and Utilities.

By Senator Bennett:

S. 93. To provide for and define an additional income tax deduction for a qualified charitable contribution and for a qualified research contribution of certain personal property which is computer, scientific or technological equipment, as defined; to prescribe the conditions and calculations for such deductions; to provide that the same property does not qualify for more than one deduction; to prescribe the period for said deductions; to make the provisions retroactive and to provide for the powers and duties of the department of revenue.

Committee on Finance and Taxation.

By Senator Bennett:

S. 94. To establish the Alabama Legislative Compensation Commission, its membership, terms of office, expenses, powers and duties; to provide that the commission's recommendations to the legislature for expense allowance shall become effective automatically if the legislature fails to act by a certain period.

Committee on Governmental Affairs.

By Senator Smith (J):

S. 95. To amend Section 32-5-192, Code of Alabama 1975, relating to implied consent to chemical testing for the purpose of determining the alcohol blood content of persons driving upon the public highways, so as to include testing for controlled substances.

Committee on Judiciary.

By Senator Smith (J):

S. 96. Proposing an amendment to the Constitution of 1901, relating to legislative compensation.

Committee on Constitutional Revision.

The above Bill was read a first time at length as required by the Constitution.

By Senator Bedsole:

S. 97. To amend Section 36-21-9, Code of Alabama 1975, which provides that honorably retired law enforcement officers are eligible to carry handguns, so as to include retired bailiffs within said eligibility.

Committee on Judiciary.

By Senator Smith (J):

S. 98. To amend Act No. 83-838 of the 1983 Third Special Session of the Alabama legislature relating to reintegration of state prison inmates into society under the Supervised Intensive Restitution Program, so as to further specify the ineligibility of certain inmates convicted of certain crimes to participate in said program.

Committee on Judiciary.

By Senator Smith (J):

S. 99. To amend Section 27-3-26, Code of Alabama 1975, so as to permit the Commissioner of Insurance to levy against an insurer a civil penalty of up to \$100.00 per day for each day beyond the date when said insurer's Annual Statement was due to be filed with the Alabama Insurance Department.

Committee on Buildings and Grounds.

By Senator Bedsole:

S. 100. To exempt the Friends of the Disabled, Inc., of Mobile, from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Senator Smith (J):

S. 101. To amend Section 24-5-10, Code of Alabama 1975, which relates to licenses issued to dealers of mobile homes and which establishes a designated "state fire marshal's fund," so as to clarify that such fund be considered a "revolving fund" and fees collected by the state fire marshal division may be expended for use by that division.

Committee on Buildings and Grounds.

By Senator Bennett:

S. 102. To exempt the Committee for the Humanities in Alabama from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Senator Parsons:

S. 103. To amend Section 40-23-4.1 of the Code of Alabama 1975, relating to the exemption of certain drugs from state gross sales tax, so as to exempt certain durable medical equipment from any state gross sales taxes and to define such durable medical equipment.

Committee on Buildings and Grounds.

By Senator Dixon:

S. 104. To provide that any person who sells, licenses the use of, or disposes of in any manner the performing rights in or to any musical composition or dramatic-musical composition which have been copyrighted under the laws of the United States shall file a copy of each such contract with the Secretary of State; to levy a license tax upon the act or privilege of selling, licensing or otherwise disposing of such performing rights in musical compositions; to provide for the collection and distribution of such license tax; to prohibit discrimination in price or terms between licensees similarly situated; and to prescribe penalties for violations of this act.

Committee on Judiciary.

By Senator Parsons:

S. 105. To amend Section 16-35-1, Code of Alabama, 1975, so as to provide for the qualifications and number of the members of the State Courses of Study Committee.

Committee on Education.

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By Senator Parsons:

S. 106. To amend Section 38-2-7 of the Code of Alabama 1975 relating to the county boards of pensions and security so as to further provide for the election of one member of each county board by the employees of the local county department of pensions and security.

Committee on Governmental Affairs.

By Senator Langford:

S. 107. To amend Section 40-12-49, Code of Alabama 1975, relating to license tax levied on attorneys, so as to increase the amount of said tax.

Committee on Finance and Taxation.

By Senator Teague (With Notice and Proof):

S. 108. To authorize the Talladega County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 108, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bedsole:

S. 109. To authorize any county commission to create a communications district in such county for the purpose of establishing a local emergency telephone service, to provide for the governing body of the district, including its powers, and to provide for funding for such district, including provisions for levying a telephone service charge.

Committee on Commerce,
Transportation, and Utilities.

By Senators Covington, Smith (B), Dial, Dixon, and Bedsole:

S. 110. To amend Section 16-22-6, Code of Alabama 1975, so as to provide further for payroll deductions for educational employees and for Public Employees' Individual Retirement Account Fund (PEIRAF) created by Act 82-776, and to require individual application by each member.

Committee on Governmental Affairs.

By Senator Parsons:

S. 111. To further amend Section 40-12-223 of the Code of Alabama 1975, which levies and regulates a privilege tax against persons engaged in the business of leasing or renting tangible personal property, so as to further provide for exemptions from the computation of the amount of tax levied.

Committee on Buildings and Grounds.

By Senator Langford:

S. 112. To amend Section 40-12-49, Code of Alabama 1975, relating to

license tax levied on attorneys, so as to increase the amount of said tax.

Committee on Finance and Taxation.

By Senators Bedsole, Bailey, Covington, Smith (J), Smith (B), and Dial:

S. 113. To provide that local city and county boards of education, boards of trustees of colleges and universities and governing boards of other public supported education institutions shall provide certain leave options for tenured employees who serve in the Alabama legislature.

Committee on Education.

By Senator Parsons:

S. 114. To further regulate and control alcoholic beverage transactions in Alabama under the control and supervision of the Alcoholic Beverage Control Board; to provide that each manufacturer or importer of alcoholic beverages selling its products in Alabama through wholesale licensees to retail licensees shall designate sales territories within the state and shall enter into a written territorial agreement naming an exclusive wholesaler for each such designated sale territory, and shall file with Board the designated sales territories and a copy of each territorial agreement; to provide that such territorial agreement may not establish or maintain resale price; to provide for the modification of the designated sales territories and exclusive territorial agreements; to provide for verification by the Board of timely and proper filing of returns and payment of state and local taxes levied on alcoholic beverages by statute; to make it unlawful for any manufacturer or importer to permit its products to be sold in Alabama without the designation of sales territories and exclusive wholesalers for such territories, for any wholesaler to sell alcoholic beverages in any territory other than that designated as his exclusive sales territory or to sell any brand of alcoholic beverages without authorization from its manufacturer or importer, and for any retailer to purchase any alcoholic beverages from a wholesaler which has not been designated as the exclusive wholesaler for such alcoholic beverages for the sales territory within which the retailer's place of business is located; to provide penalties for violation of the provisions of this act; and to repeal all laws or parts of laws in conflict or inconsistent herewith.

Committee on Business and Labor
Relations.

By Senator deGraffenried:

S. 115. To redefine the term "gross income" as prescribed in Title 40, Chapter 18, Article 14, Code of Alabama 1975, relating to gross income exclusions, to conform Alabama income tax exclusions to Federal income tax exclusions of employer contributions on behalf of an employee to a trust which is part of a qualified cash or deferred arrangement (as defined in 26 USCA 401(k) (2)) under which the employee has an election whether the contribution will be made to the trust or received by the employee in cash; to provide the provisions of this act shall be construed in pari materia with other law or parts of laws relating to income tax exclusions except where there is a direct conflict; and to provide an effective date.

Committee on Finance and Taxation.

By Senator deGraffenried:

S. 116. To amend Code of Alabama 1975, Section 5-5A-20, as amended by Act No. 83-73, First Special Session 1983, relating to branch banking, so as to provide that electronic funds transfer, automatic teller

machines, and other off-premise operations which the Superintendent of Banks may authorize pursuant to Section 5-2A-7 shall not constitute branch banks, branch offices, branch agencies, additional offices, branch places of business, or offices for the transaction of the banking business, for the receipt of deposits, payment of checks, lending of money and conduct of a general banking business.

Committee on Banking and Insurance.

By Senator deGraffenried:

S. 117. To amend Act 82-514, The Revised Alabama Professional Corporation Act, by amending Sections 10 and 24 to determine the date of disqualification of shareholders and to allow corporations in existence December 31, 1983 in which licensed medical and dental professionals were allowed to be shareholders under Section 10-4-235, Code of Alabama, to continue.

Committee on Health and Welfare.

By Senator deGraffenried:

S. 118. To amend Section 6-5-332, Code of Alabama 1975, which provides exemptions from civil liability for certain persons under particular circumstances, so as to exempt from liability those persons providing assistance in mitigating the effects of a discharge of hazardous materials.

Committee on Health and Welfare.

By Senator Bennett:

S. 119. To provide that not more than fifteen minutes of the required scholastic day may be spent on clerical or non-instructional duties. To further provide each teacher a duty-exempt lunch period for at least 30 minutes of each school day.

Committee on Education.

By Senators Smith (J), Denton, Smith (B), Cooley, and Barron:

S. 120. To authorize and make provision for the incorporation of Railroad Authorities as public corporation for the purpose of acquiring, constructing, equipping, improving, maintaining, developing, and operating railroads, railroad properties and facilities, and other buildings and facilities, terminal and yard facilities, shop and repair facilities, real and personal property used or useful in rail transportation services, including both freight and passenger railroad service, and including the leasing or letting such buildings, structures or facilities; to provide that in order for any such Authority to be organized, application must be made to the governing body of one or more counties, cities or towns in Alabama, as defined, and permission for organization of such Authority must be obtained from each such governing body to which application is made; to provide for the selection of the directors and officers of each such Authority; to specify the powers of each such Authority; to endow each such Authority with eminent domain powers; to exempt each such Authority from laws and regulations relating to the advertising and award by the State and its departments of construction or purchase contracts; to provide that any county, city, town or other political sub-division, public corporation, agency or instrumentality of this State within this State may aid and cooperate with any such Authority in the planning, undertaking, acquisition, construction and operation of railroads, and railroad properties and facilities, and may lend, give, donate, sell, convey or transfer to any such Authority money, property or any right capable

of transfer; to provide that no action or suit shall be brought or maintained against the manager or any director of the Authority for or on account of the negligence of the Authority or director or of its or his agents, servants or employees; to authorize the issuance by each such Authority of interest bearing revenue bonds payable solely out of the revenues of the Authority issuing such bonds; to specify provisions of such revenue bonds issued by any such Authority and to provide that such revenue bonds shall be deemed negotiable instruments; to provide that such revenue bonds issued by any such Authority may be secured by pledge of any of the revenues of the Authority issuing such bonds, whether the Authority's right to such revenues then exists or may thereafter come into existence and by mortgage on any property of any such Authority whether then in existence or thereafter acquired; to provide that such pledge may be provided for in an indenture between the Authority issuing such bonds and a trustee or by resolution providing for the issuance of the bonds; to provide that such pledges shall be valid and binding when made and effective against third parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county in which the principal office of the Authority is located and in any other county in which there is located any property of the Authority, the revenues from which are so pledged; to provide that any such Authority may include in any indenture or resolution authorizing the issuance of such bonds provisions customarily contained in instruments securing evidence of indebtedness; to provide that bonds issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the State or of any county, city or town within the State; to specify the uses to which the proceeds of revenue bonds issued by any such Authority may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds issued by any such Authority and the income therefrom and the property and income of any said Authority; to authorize the investment of any idle funds of any county, city or town within this State in bonds issued by any such Authority; to provide that bonds issued by any such Authority shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by any Authority and specifying the time after such publication within which actions and defenses may be asserted respecting such bonds, pledge and indenture and the proceedings authorizing the same; and to provide for the dissolution of any such Authority and the disposition of its property.

Committee on Industrial Expansion,
Economic Growth, and Jobs.

By Senator Menton:

S. 121. To amend Section 9-12-113 of the Code of Alabama 1975, as last amended, relating to certain hook and line, net, and seine licenses, so as to provide that the cost of a commercial hook and line license is \$25.00; to provide for a charge of \$100.00 for purse seine licenses regardless of the size of the purse seines; to require name and license number tags on all nets except purse seines; to delete the definition of nonresident; and to provide that all nets fished in an illegal manner shall be declared a nuisance and shall be subject to condemnation and forfeiture.

Committee on Agriculture, Conservation, and Forestry.

By Senator Smith (J):

S. 122. To provide that any person convicted of certain crimes of vio-

lence shall not be eligible for work release.

Committee on Judiciary.

By Senator Smith (J):

S. 123. To provide that the victim of a criminal offense shall be entitled to be present in any court exercising any jurisdiction over such offense and therein to be seated at the counsel table of any prosecutor prosecuting such offense or other attorney representing the government which initiated such prosecution.

To further provide that the victim of a criminal offense not be prevented by operation of rule of court, statute or other law from attending any trial or hearing or any portion thereof conducted by any court which in any way pertains to such offense.

To further provide that whenever a victim is unable to attend trial or hearing or any portion thereof by reason of death; disability; hardship; incapacity; physical, mental, or emotional condition; age; or other inability, the victim, the victim's guardian or the victim's family may select a representative who shall be entitled to exercise any right granted the victim, pursuant to the provisions of this bill.

To further provide that a victim of a criminal offense shall be exempt from the witness exclusion rule.

Committee on Judiciary.

By Senator Smith (J):

S. 124. To allow the state of Alabama to have a jury trial in any felony case where that right has been waived by the defendant.

Committee on Judiciary.

By Senator Smith (J):

S. 125. To exempt any qualified organization from the payment of any state, county or local taxes of any nature on proceeds from any lawful bingo operation.

Committee on Finance and Taxation.

By Senator Bailey:

S. 126. To provide that a local board of education shall allow a sick leave bank for its employees to be established upon the request of such employees.

Committee on Education.

By Senators Bailey, Smith (J), Cabaniss, Smith (B), Cooley, Barron, and Menton:

S. 127. To raise the legal age for a person to attempt to purchase, to purchase, consume, possess or to transport alcoholic beverages, and to provide criminal penalties.

Committee on Judiciary.

By Senators Bailey, Smith (J), Bedsole, Cabaniss, Smith (B), Cooley, Bennett, Menton, Aldridge, deGraffenried, and Denton:

S. 128. To amend Section 28-3A-25, Code of Alabama 1975, which provides for certain unlawful acts and offenses under the Alcoholic Beverage

Licensing Code, so as to further define the offense of sales of alcoholic beverages to minors.

Committee on Judiciary.

By Senators Bedsole, Barron, Amari, and Corbett:

S. 129. To prescribe certain qualifications for persons representing themselves to the public as dietitians, nutritionists or registered dietitians or other similar titles; and to prescribe penalties for violations of this Act.

Committee on Health and Welfare.

By Senator deGraffenried:

S. 130. To be known as the "Alabama Nonprofit Corporation Act" revising the laws of Alabama in Title 10 of the Code of Alabama 1975 providing for: definitions; general substantive provisions; formation of nonprofit corporations; amendments; merger, consolidation and sale of assets; dissolution; foreign nonprofit corporations; provides for fees and miscellaneous charges; and provide powers of probate judge or secretary of state; repealing Chapter 3 (Nonprofit Corporations) Articles 1 through 8 of Title 10 of the Code of Alabama (1975), Chapter 4, Articles 12 and 15 of Title 10 of the Code of Alabama (1975), § 10-4-261 through § 10-4-263; § 10-4-281 through § 10-4-284; and amending § 10-4-260 and § 10-4-280, Code of Alabama (1975).

Committee on Judiciary.

By Senator Bailey:

S. 131. To amend Section 9-14-27, Code of Alabama 1975, as last amended, relating to length of term of concession contracts, so as to extend the allowable term for state park concession contracts from six to ten years and the maximum term where major expenditures are made by concessionaire from twelve to twenty years.

Committee on Agriculture,
Conservation, and Forestry.

By Senators Langford and Covington:

S. 132. To provide that full-time employees and executive officers of the Alabama Opportunities Industrialization Center may elect to become members of the teachers' retirement system of Alabama; also to provide that said Center and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the State.

Committee on Governmental Affairs.

By Senators Foshee and Teague:

S. 133. To require, in addition to rear tags or plates, the placement of front tags or plates and any attachments thereto on all motor vehicles operated in this state; to require all such tags or plates, front and rear placement, and attachments thereto, to comply with certain federal standards as relates to reflection properties; to require the revenue department to implement the provisions of this act and to authorize rule and regulation power for such purposes; to provide for an additional fee for such tags and reflection standards, and, for the collection, distribution and use of such fees; to provide that this act shall be supplemental to and in pari materia to ex-

isting law; and to provide an effective date.

Committee on Commerce,
Transportation, and Utilities.

By Senators Foshee and Teague:

S. 134. Relating to contractors; to require out-of-state contractors to register and file either a deposit or surety bond as well as a list of personal property involved in a construction project in Alabama upon which use and ad valorem taxes are due and payable; to provide for the payment of such taxes; and to provide for the return of the deposit or surety bond posted.

Committee on Buildings and Grounds.

By Senators Foshee and Teague:

S. 135. Relating to contracts and contractors; to give preference to resident contractors who bid on public work projects except where federal funds are involved.

Committee on Buildings and Grounds.

By Senators Foshee and Teague:

S. 136. Establishing a state board of barber examiners and prescribing procedures for the licensing and practice of barbering and barber colleges and providing penalties for violations of the Act.

Committee on Health and Welfare.

By Senator Foshee:

S. 137. To amend Sections 9-17-3 and 9-17-4, Code of Alabama 1975, which creates the state oil and gas board, so as to increase the membership on the board.

Committee on Commerce,
Transportation, and Utilities.

By Senator Foshee:

S. 138. Relating to the uniform commercial code; to amend Section 7-9-403, Code of Alabama 1975, to exempt mobile homes from being subject to the limitation of filing a continuation statement five years after filing a financing statement on a perfected security interest.

Committee on Commerce,
Transportation, and Utilities.

By Senator Foshee:

S. 139. Relating to the Alabama Department of Corrections; to provide a uniform allowance for uniformed correctional officers; and to provide an additional annual continuing appropriation to the Alabama Department of Corrections for such purpose.

Committee on Finance and Taxation.

By Senator Bedsole:

S. 140. To exempt The Explore Center, Inc., from the payment of all State, county and municipal ad valorem, sales and use taxes.

Committee on Finance and Taxation.

By Senators Little and Mitchem:

S. 141. Proposing an amendment to Amendment No. 269 to the Constitution of Alabama of 1901 relating to a special property tax by counties or municipalities for library purposes.

Committee on Constitutional Revision.

The above Bill was read a first time at length as required by the Constitution.

By Senators Little and Mitchem:

S. 142. To amend Sections 11-90-2 through 11-90-4, Code of Alabama 1975, relating to the establishment and maintenance of free public libraries by counties and municipalities, so as to prescribe further the powers and duties of such library boards; and to prescribe further procedures of operation for free public libraries.

Committee on Governmental Affairs.

By Senator Langford:

S. 143. Relating to elections, to establish an annual voter registration day; to require that the hours of the board of registrars coincide with the business hours of the courthouse; to require that in certain counties, the probate judge or chief probate clerk or others be appointed as deputy registrars; to require, upon the request of certain municipal governing bodies, the appointment of the clerk of the municipality as a deputy registrar; to authorize certain high school and college officials to serve as deputy registrars; to establish a population basis for authorizing session days for boards of registrars; to provide for severability; and, to provide an effective date.

Committee on Governmental Affairs.

By Senators Strong and Parsons:

S. 144. To require local school boards, governing boards of the Department of Youth Services, the Alabama Institute for Deaf and Blind, and public postsecondary institutions to provide pay and release time to professionally certificated employees to fulfill the requirements of the State Board of Education's professional development program.

Committee on Governmental Affairs.

By Senators Amari and Bennett:

S. 145. To require city and county boards of education, the State Board of Education, the Department of Youth Services, the Alabama Institute for Deaf & Blind and the governing boards of Alabama's public senior universities to provide vehicle liability insurance to cover personal liabilities of moving vehicle accidents for bus drivers or any employee required to transport pupils.

Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (Roy):

H. J. R. 2. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a committee of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify the Governor that the Legislature is now in session and is ready for the transaction of business.

And the Speaker has appointed as a committee on the part of the House Reps. Blake, Davis and Smith.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolution, H. J. R. 2, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

And the President and Presiding Officer of the Senate appointed as members on part of the Senate Senators Goodwin, Smith (J), and Corbett.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Venable:

H. J. R. 12. CONGRATULATING THE CITY OF WETUMPKA ON THE OCCASION OF ITS ONE HUNDRED FIFTIETH ANNIVERSARY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Langford, the Rules were suspended and the Resolution, H. J. R. 12, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (Roy):

H. J. R. 6. BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn today, Tuesday, February 7, 1984, we adjourn to meet again on Thursday, February 9, 1984; Tuesday, February 14, 1984; Thursday, February 16, 1984; Tuesday, February 21, 1984; Thursday, February 23, 1984; Tuesday, February 28, 1984; Thursday, March 1, 1984; Wednesday, March 7, 1984; Thursday, March 8, 1984; Tuesday, March 20,

1984; Thursday, March 22, 1984; Tuesday, March 27, 1984; and Thursday, March 29, 1984.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 6, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Gaston and Kvalheim:

H. J. R. 9. COMMENDING MR. DAVID D. ROBERTS OF MOBILE, PRESIDENT ELECT OF THE NATIONAL ASSOCIATION OF REALTORS FOR 1984.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 9, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House as originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Hooper, McKee, Starr and Mikell:

H. J. R. 8. DESIGNATING MARCH 10, 1984, AS "RAYMOND WAITES DAY" IN ALABAMA.

WHEREAS, Raymond Waites is a native of Alabama and graduated with honors from Auburn University; and

WHEREAS, Creative Vice President and Designer of Gear, Inc., Mr. Waites is one of America's most influential designers in the American "country modern" movement with his "New Country Gear" collections currently exceeding \$250 million in retail sales; and

WHEREAS, Waites has become the first American designer of home fashions to be recognized and widely accepted throughout Japan and Europe; and

WHEREAS, Mr. Waites' work was featured in a recent issue of Better Homes and Gardens Decorating and was the cover story for the August 1983 issue of House Beautiful; and

WHEREAS, Raymond Waites has scheduled a seminar and lecture at Montgomery's historic Davis Paramount Theatre for the Performing Arts on March 10, 1984, whereupon he will disclose "Gear Kids"—his new collection of children's products; and

WHEREAS, in recognition of the outstanding accomplishments of a native son, it is entirely fitting that Raymond Waites be appropriately

honored by the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That March 10, 1984, is hereby designated and shall be observed as "Raymond Waites Day" in the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Mr. Waites as a memento of this honorary designation of the Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Langford, the Rules were suspended and the Resolution, H. J. R. 8, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Harvey:

H. J. R. 5. NAMING A PORTION OF U. S. HIGHWAY 231, FROM ONEONTA TO ROSA, IN BLOUNT COUNTY, ALABAMA, THE "RAY MARSH DRIVE."

WHEREAS, Mr. Claude Ray Marsh of Trafford, Blount County, Alabama, lost his life as a result of a tragic accident on January 11, 1981, at the early age of 48 years; and

WHEREAS, a prominent area businessman, Mr. Marsh also was a community and civic leader held in highest regard by the citizens of Blount County; his contributions, however, transcended local bounds to the state-wide level as a member of the Board of the Alabama State Docks; and

WHEREAS, he further was a director of Central Bank, a faithful and active member of Center Hill Presbyterian Church, and was a member as well of the Oneonta Rotary Club and Locust Fork Masonic Lodge; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in gratitude and recognition of extraordinary and unselfish service, we hereby name and designate that portion of U.S. Highway 231, from Oneonta to Rosa, in Blount County, Alabama, the "Ray Marsh Drive."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers designating said portion of U.S. Highway 231 as the "Ray Marsh Drive."

RESOLVED FURTHER, That in notification of this commemorative designation of the Legislature, a copy of this resolution shall be forwarded to the family of the late Claude Ray Marsh.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 5, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Biddle:

H. J. R. 4. CREATING AN INTERIM COMMITTEE TO STUDY THE RISING COST OF HEALTH CARE.

WHEREAS, health care costs now exceed 10 percent of the Gross National Product; and

WHEREAS, the fastest rising cost of doing business in America today is associated with health care costs; and

WHEREAS, health care costs for public employees now exceed the cost of retirement; and

WHEREAS, it is projected that health care costs will have a major impact on the State Budget; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an interim committee to study the functions, duties, responsibilities and relationships of health regulatory boards, State of Alabama, the growing indigent care responsibility placed upon providers of health care, the effect of third party reimbursement including the effect of Diagnostic Related Groups, cost shifting and indigent care, the competition in the health care delivery system, and the impact that this competition has on the health care delivery system, to analyze state laws to see if there is a need to modify state laws to accommodate Health Maintenance Organizations or Preferred Provider Organizations or other forms of health care organizations in order to promote cost efficiency and other pertinent health policy considerations.

BE IT FURTHER RESOLVED, That the committee be composed of the Chairman of the standing committees of Health, Finance and Taxation, and Ways and Means, and three members to be appointed by the Lieutenant Governor to be selected from the Insurance Committee, the Judiciary Committee, and the Aging Committee, and three members to be appointed by the Speaker of the House to be selected from the Insurance Committee, the Judiciary Committee, and the Public Welfare Committee.

BE IT FURTHER RESOLVED, That upon the request of the Chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature.

BE IT FURTHER RESOLVED, That the Committee shall report its findings by the fifth legislative day of the 1985 and 1986 Regular Sessions of the Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolution, H. J. R. 4, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Little, the Senate reconsidered the vote by which the Resolution, H. J. R. 4, was concurred in and adopted.

The question then recurred on the motion to concur in and adopt, and upon objections the Resolution, H. J. R. 4, was then referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Ford:

H. J. R. 3. CREATING A JOINT LEGISLATIVE INTERIM COMMITTEE TO STUDY THE STEEL INDUSTRY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Legislative Interim Committee to Study the Steel Industry. Said committee shall be composed of six members who shall be appointed from the Legislature. The Speaker of the House shall appoint three members and the Lieutenant Governor shall appoint three members from the House and Senate respectively.

The committee shall meet as soon after their appointment as practical and choose one of their members as chairman and another as vice chairman.

The committee shall study all aspects due to the merger between the LTV corporation and Republic Steel Corporation and the possibility of closing the Gadsden plant in the Southern District and the depressed steel industry throughout the nation. This committee was requested to be created by the leadership of Republic Steel Corporation, U.S. Steel Workers of America, Greater Gadsden Chamber of Commerce and others.

Upon request of the chairman, the Clerk of the House and the Secretary of the Senate shall provide such clerical assistance as may be necessary for the committee's work. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, upon warrants drawn on the state comptroller upon requisitions signed by the chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but shall receive their travel expenses as they travel upon the business of the committee within and without the state. The total of such expenses shall not exceed \$20,000.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 3, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

RESOLUTIONS

Senator Foshee offered the following Senate Joint Resolution, to-wit:

S. J. R. 3. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE TELEPHONE SYSTEM OF THE STATE OF ALABAMA.

WHEREAS, the State of Alabama, prior to the current telephone system, had a good and workable telephone system that was satisfactory to an overwhelming number of people who had need and access to such telephone system; and

WHEREAS, in an effort to improve the situation, the telephone system for the State of Alabama has become unbearable in that it is difficult to operate and the number you dial in many instances is not the number you get; no one in authority can explain the system to the people who have to use such system; and

WHEREAS, it is felt that the people of the State of Alabama have had it with this new system; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Committee to Study the Telephone System of the State of Alabama. The Committee is to be composed of eight (8) members; four (4) to be appointed by the President of the Senate and four (4) to be appointed by the Speaker of the House from the House membership. The members of the Committee shall receive their usual expenses and per diem while exercising their duties. The Committee shall have subpoena power and every other thing deemed necessary by them in the carrying out of the duties of the Committee.

The Committee shall meet immediately after the members have been appointed and shall elect a chairman and vice chairman and commence to work to straighten this situation out.

The Committee shall make a report not only to the Legislature but to the people of the State of Alabama who are the ones who are footing the bill.

On motion of Senator Foshee, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Corbett offered the following Senate Joint Resolution, to-wit:

S. J. R. 4. URGING THE OBSERVANCE OF GRANDPARENT'S DAY IN ALABAMA.

WHEREAS, both Mother's Day and Father's Day have been observed annually for many years in special recognition and in honor of the sacrifice and love of parents for their children; and

WHEREAS, in 1979, the Congress, through legislation, designated that the first Sunday after Labor Day be observed as Grandparent's Day nationwide; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to the special love of grandparents for their grandchildren, and in recognition of their continuing contributions to their families and to society, we hereby most strongly urge that Grandparent's Day be observed annually throughout the entire State of Alabama.

On motion of Senator Corbett, the Rules were suspended and the Reso-

lution was adopted by the Senate.

Senators Bennett, Cabaniss, and Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 5. COMMENDING MISS VALERIE RHEA BENDALL AS NATIONAL MAID OF COTTON.

WHEREAS, Miss Valerie Rhea Bendall was selected as the 1984 National Maid of Cotton in ceremonies last December 21, 1983 in Memphis, Tennessee, and

WHEREAS, Miss Bendall is only the third Alabamian to win the honor following Alice Corr in 1953 and Katy Sue Meredith in 1964, and

WHEREAS, Miss Bendall, daughter of Mr. and Mrs. James O. Bendall of Birmingham, was selected as Alabama's Maid of Cotton as a 21-year old senior at Auburn University majoring in hospital administration, and

WHEREAS, at Auburn, she served as rush chairman for Alpha Omicron Pi Sorority, was a Sigma Nu Little Sister and a member of Lambda Sigma Honorary, and

WHEREAS, at Auburn, she also made the Dean's List, served as a member of the Student Government Association's Academic Affairs Committee, was SGA secretary for public relations and served as a member of SGA Executive Cabinet, and was secretary of the Health and Hospital Administration Organization, and

WHEREAS, she was chosen as Miss Glomerata for 1983, placed in the top five for Miss Homecoming for 1981, the top five for Miss Auburn for 1983 and was selected for Who's Who in American Colleges and Universities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we do hereby commend and congratulate Miss Bendall on her selection as National Maid of Cotton and extend its deep appreciation for the distinct honor she has brought to her state, and

BE IT FURTHER RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that a copy of this resolution be sent to Miss Bendall with our very best wishes for the future.

On motion of Senator Bennett, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Bennett, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Little, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong, and Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 6. MOURNING THE DEATH OF FORMER STATE REPRESENTATIVE TRAM SESSIONS.

WHEREAS, former State Representative Tram Sessions, who served four terms in the State House of Representatives ending in 1970, died January 25, 1984 at age 85, and

WHEREAS, Mr. Sessions whose 20 years in the Legislature distin-

guished himself as a knowledgeable and effective legislator for Jefferson County, and

WHEREAS, a former insurance executive, Mr. Sessions had a long career of public service which also included service on the Birmingham Park and Recreation Board and as past president of the Junior Chamber of Commerce, and

WHEREAS, Mr. Sessions was also a member of the Birmingham Quarterback Club, Sigma Alpha Epsilon Fraternity, University of Alabama Alumni Association, Redstone Club, American Legion and Elks Club, and

WHEREAS, during his collegiate career at the University of Alabama, Sessions played varsity football where he was chosen All-Southeastern Conference and was later inducted into the Alabama Sports Hall of Fame, and

WHEREAS, he was also a past member of the Board of Stewards at Highlands United Methodist Church and was a veteran of World War I, now

THEREFORE BE IT RESOLVED, that the Legislature of Alabama, both houses thereof concurring, mourn the passing of one of its most distinguished former members while noting that many of his contributions to his state live on, and be it finally

RESOLVED, that copies of this resolution be sent to his family and to the Jefferson County Legislative Office in Birmingham.

On motion of Senator Bennett, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Cooley, Bishop, and Parsons offered the following Senate Resolution, to-wit:

S. R. 7. COMMENDING MRS. GENNETTE MEEKS OF JASPER, ALABAMA.

Which was adopted.

Senator Cooley offered the following Senate Resolution, to-wit:

S. R. 8. COMMENDING THE DARREL HAYNES FAMILY OF CULLMAN COUNTY, ALABAMA.

Which was adopted.

Senator Cooley then offered the following Senate Resolution, to-wit:

S. R. 9. COMMENDING CULLMAN COUNTY DISTRICT ATTORNEY JULIAN BLAND, AND ASSISTANT DISTRICT ATTORNEY LYNN BROOKS.

Which was adopted.

COMMUNICATION FROM THE STATE SUPERINTENDENT OF EDUCATION

February 9, 1984

The Alabama State Senate
State Capitol
Montgomery, Alabama

Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been

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1st Day**

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elected as a member of the University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on September 10th or December 3rd, 1983:

<u>Name</u>	<u>Address</u>	<u>District</u>	<u>Expiration of Term</u>
O. H. Delchamps, Jr.	Mobile, Alabama	First	1988

Respectfully submitted,

WAYNE TEAGUE,
State Superintendent of Education.

Sworn to and subscribed
before me on this 9th
day of February, 1984.

Carroll T. Missildine
Notary Public

**COMMUNICATION FROM SUPERINTENDENT OF
EDUCATION**

The foregoing Communication from the Superintendent of Education, relative to the appointment to the Board of Trustees of the University of Alabama, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM THE STATE SUPERINTENDENT
OF EDUCATION**

February 9, 1984

The Alabama State Senate
State Capitol
Montgomery, Alabama

Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of the University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on September 10th or December 3rd, 1983:

<u>Name</u>	<u>Address</u>	<u>District</u>	<u>Expiration of Term</u>
Winton M. Blount	Montgomery, Alabama	Second	1989

Respectfully submitted,

WAYNE TEAGUE,
State Superintendent of Education.

Sworn to and subscribed
before me on this 9th
day of February, 1984.

Carroll T. Missildine
Notary Public

**COMMUNICATION FROM SUPERINTENDENT OF
EDUCATION**

The foregoing Communication from the Superintendent of Education, relative to the appointment to the Board of Trustees of the University of Alabama, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM THE STATE SUPERINTENDENT
OF EDUCATION**

February 9, 1984

The Alabama State Senate
State Capitol
Montgomery, Alabama

Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of the University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on September 10th or December 3rd, 1983:

<u>Name</u>	<u>Address</u>	<u>District</u>	<u>Expiration of Term</u>
Cleophus Thomas, Jr.	Anniston, Alabama	Third	1987

Respectfully submitted,

WAYNE TEAGUE,
State Superintendent of Education.

Sworn to and subscribed
before me on this 9th
day of February, 1984.

Carroll T. Missildine
Notary Public

**COMMUNICATION FROM SUPERINTENDENT OF
EDUCATION**

The foregoing Communication from the Superintendent of Education, relative to the appointment to the Board of Trustees of the University of Alabama, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM THE STATE SUPERINTENDENT
OF EDUCATION**

February 9, 1984

The Alabama State Senate
State Capitol
Montgomery, Alabama

Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of the University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on

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September 10th or December 3rd, 1983:

<u>Name</u>	<u>Address</u>	<u>District</u>	<u>Expiration of Term</u>
John T. Oliver, Jr.	Jasper, Alabama	Fourth	1989

Respectfully submitted,
WAYNE TEAGUE,
State Superintendent of Education.

Sworn to and subscribed
before me on this 9th
day of February, 1984.

Carroll T. Missildine
Notary Public

**COMMUNICATION FROM SUPERINTENDENT OF
EDUCATION**

The foregoing Communication from the Superintendent of Education, relative to the appointment to the Board of Trustees of the University of Alabama, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM THE STATE SUPERINTENDENT
OF EDUCATION**

February 9, 1984

The Alabama State Senate
State Capitol
Montgomery, Alabama

Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of the University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on September 10th or December 3rd, 1983:

<u>Name</u>	<u>Address</u>	<u>District</u>	<u>Expiration of Term</u>
Frank H. Bromberg, Jr.	Birmingham, Alabama	Sixth	1986

Respectfully submitted,
WAYNE TEAGUE,
State Superintendent of Education.

Sworn to and subscribed
before me on this 9th
day of February, 1984.

Carroll T. Missildine
Notary Public

**COMMUNICATION FROM SUPERINTENDENT OF
EDUCATION**

The foregoing Communication from the Superintendent of Education,

relative to the appointment to the Board of Trustees of the University of Alabama, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM THE STATE SUPERINTENDENT
OF EDUCATION**

February 9, 1984

The Alabama State Senate
State Capitol
Montgomery, Alabama

Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of the University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on September 10th or December 3rd, 1983:

<u>Name</u>	<u>Address</u>	<u>District</u>	<u>Expiration of Term</u>
Thomas E. Rast	Birmingham, Alabama	Sixth	1989

Respectfully submitted,

WAYNE TEAGUE,
State Superintendent of Education.

Sworn to and subscribed
before me on this 9th
day of February, 1984.

Carroll T. Missildine
Notary Public

**COMMUNICATION FROM SUPERINTENDENT OF
EDUCATION**

The foregoing Communication from the Superintendent of Education, relative to the appointment to the Board of Trustees of the University of Alabama, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM THE STATE SUPERINTENDENT
OF EDUCATION**

February 9, 1984

The Alabama State Senate
State Capitol
Montgomery, Alabama

Gentlemen:

In compliance with Amendment 399 of the Constitution of Alabama, I hereby certify to the Senate of Alabama that the following person has been elected as a member of the University of Alabama Board of Trustees by the members of said Board, in the manner prescribed by the Constitution, on September 10th or December 3rd, 1983:

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<u>Name</u>	<u>Address</u>	<u>District</u>	<u>Expiration of Term</u>
Sandra Hullett	Eutaw, Alabama	Seventh	1989

Respectfully submitted,

WAYNE TEAGUE,
State Superintendent of Education.

Sworn to and subscribed
before me on this 9th
day of February, 1984.

Carroll T. Missildine
Notary Public

**COMMUNICATION FROM SUPERINTENDENT OF
EDUCATION**

The foregoing Communication from the Superintendent of Education, relative to the appointment to the Board of Trustees of the University of Alabama, was read and referred to the Standing Committee on Rules.

**COMMUNICATION FROM JOINT COMMITTEE ON
ADMINISTRATIVE REGULATION REVIEW**

February 7, 1984

The Honorable Bill Baxley
Lieutenant Governor of Alabama
Room 201
State Capitol
Montgomery, Alabama 36130

Dear Sir:

The Joint Committee on Administrative Regulation Review has studied the proposed rules of the Alabama Alcoholic Beverage Control Board. After consideration, the Committee has disapproved and suspended the following proposed rules of which copies are attached:

1. An amendment to Rule No. 20-X-6-.10, relating to Minors which was published December 30, 1983, in Volume II, No. 3, of the "Alabama Administrative Monthly."
2. A new rule, Rule No. 20-X-5-.12, relating to Regulations of Licensees Operating as package Stores, published January 31, 1984, in Volume II, No. 4, of the "Alabama Administrative Monthly."
3. A new rule, Rule No. 20-X-6-.12, relating to Obscene, Lewd or Indecent Conduct: Prohibited, published January 31, 1984, in Volume II, No. 4, of the "Alabama Administrative Monthly."

Very truly yours,

John Teague, Chairman
Joint Committee on Administrative
Regulation Review

**ALABAMA ALCOHOLIC BEVERAGE
CONTROL BOARD**

Notice of Intended Action

Rule Number: 20-X-6-.12

Title of Rule: OBSCENE, LEWD OR INDECENT CONDUCT:
PROHIBITED

The Alabama Alcoholic Beverage Control Board proposes to adopt new rule 20-X-6-.12 as follows:

20-X-6.12 OBSCENE, LEWD OR INDECENT CONDUCT:
PROHIBITED

1. No licensee shall permit bottomless dancers or performers, or any other lewd or indecent conduct on the premises of such licensee.
2. No licensee shall permit any person to perform acts of or acts which simulate:
 - a. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
 - b. The touching, caressing or fondling on the breasts, buttocks, anus or genitals.
 - c. The displaying of the pubic hair, anus, vulva or genitals.
3. No licensee shall permit any patron, customer or member to touch, caress or fondle the breasts, buttocks, anus, genitals or any part of the body or clothing of a performer.
4. No licensee shall permit the showing of films, still pictures, electronic reproduction or other visual reproductions depicting:
 - a. Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.
 - b. Any person being touched, caressed or fondled on the breasts, buttocks, anus or genitals.
 - c. Scenes wherein a person displays the vulva or the anus or the genitals.
 - d. Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

In accordance with Rule 20-X-2-.03, a violation of this section shall constitute grounds for suspension or revocation of license. Statutory Authority: Section 28-3-49, Code of Alabama, 1975.

Interested persons may present their views in writing to the Administrator of the ABC Board at any time during the 35-day period following January 31, 1984, or if requested in advance, by personally appearing in the Board Room of the Alabama Alcoholic Beverage Control Board, 2715 Gunter Park Drive West, Montgomery, Alabama, at 10:00 a.m., Thursday, March 8th, 1984.

Contact Person: Hugh Reynolds, Director
ABC Enforcement Division
Phone 271-3840

**ALABAMA ALCOHOLIC BEVERAGE
CONTROL BOARD**

Notice of Intended Action

Rule Number: 20-X-5-.12

Title of Rule: **REGULATION OF LICENSEES OPERATING AS PACKAGE STORES**

The Alabama Alcoholic Beverage Control Board proposes to adopt new rule 20-X-5-.12 as follows:

20-X-5-.12 REGULATION OF LICENSEES OPERATING AS PACKAGE STORES

1. WHEREAS, the marketing of spiritous liquors through so-called "package stores" (hereinafter called "package stores") is a new concept in the State of Alabama; and

2. WHEREAS, by virtue of a judicial interpretation, numerous package stores came into existence in the State of Alabama over the last three (3) years; and

3. WHEREAS, the Alabama Alcoholic Beverage Control Board (hereinafter called "Board") has observed and studied the development and operation of the package stores since their inception; and

4. WHEREAS, the Board feels that additional requirements and conditions need to be imposed upon the operation of said package stores; and

5. WHEREAS, the requirements and conditions set forth herein are deemed by the Board to be necessary to better control and regulate the sale of alcoholic beverages through such package stores; and

6. WHEREAS, to further protect the public health, welfare, peace and morals of the citizens of this state the following regulation is hereby promulgated.

7. NOW THEREFORE, in addition to all other requirements of law or rules and regulations of the Board all Private Club licensees and all Lounge Retail Liquor licensees which operate their licensed premises primarily for the off-premises sale of all classes of alcoholic beverages shall comply with the following conditions or requirements:

a. The licensee must have a minimum of 750 square feet of floor space for the display and sales of alcoholic beverages. The square footage herein required shall not include areas of the licensed premises which are not open to the patrons or general membership of licensee and which are used for office space, storage or restroom facilities.

b. The licensee is authorized to sell only alcoholic beverages, ice, mixers, snack items and tobacco products. The licensee shall not sell general grocery items, novelties, clothing or any other items of general merchandise.

c. The licensed premises shall not contain any interior door, window or passageway of any kind or description which opens or may be opened into an adjoining building. So-called "service doors" and "pass-through windows" are strictly prohibited. If the State Fire Marshall or a local fire chief determines that such a passageway would be necessary for the safety of the employees, members or patrons of the licensee; then in such event such passageway shall be allowed but the same shall be kept closed except for emergency use.

d. The licensed premises shall be located no less than 200 feet from any gasoline dispensing business in which licensee shall in any wise be interested either directly or indirectly in the ownership or leasehold thereof as owner, operator or affiliated company. The measurement to be used in determining the distance herein set forth shall be a straight line from the center of the front door of the licensed premises to the nearest gasoline pump available to the general public.

e. The Licensee shall at all times when open for business have in its possession a minimum inventory of one (1) case of fifty (50) different brands of liquor.

f. The licensee shall not advertise or identify its premises, prices or location by the use of a flashing or blinking sign or signs whether operated by electricity, gas or otherwise.

g. No person under the age of twenty-one (21) years shall be issued such licenses nor shall any corporation be issued such licenses unless the president thereof shall be over the age of twenty-one (21) years.

8. All licensees whose license were issued before the effective date of this regulation must comply with all requirements therein contained except paragraph 7a on or before September 30, 1985. If any such licensee fails to so comply, its license shall not be renewed for the fiscal year commencing October 1, 1985. No transfer shall be permitted of any license issued before the effective date of this regulation until the conditions or requirements of this regulation are complied with except paragraph 7a.

9. No application for such licenses shall be approved unless the application shows affirmatively that the physical conditions and requirements contained herein are met. Failure to comply with any of the conditions and requirements herein contained shall be cause for suspension or revocation of the license or fine imposed against the licensee.

Statutory Authority: Section 28-3-49, Code of Alabama, 1975.

Interested persons may present their views in writing to the Administrator of the ABC Board at any time during the 35-day period following January 31, 1984, or if requested in advance, by personally appearing in the Board Room of the Alabama Alcoholic Beverage Control Board, 2715 Gunter Park Drive West, Montgomery, Alabama, at 11:00 a.m., Thursday, March 8th, 1984.

Contact Person: Hugh Reynolds, Director
ABC Enforcement Division
Phone 271-3840

ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD

Notice of Intended Action

Rule Number: 20-X-6-.10

Title of Rule: MINORS

The Alabama Alcoholic Beverage Control Board intends to adopt an amendment to Rule 20-X-6-.10 as follows:

20-X-6-.10 MINORS

1. Pursuant to the Board's responsibility to promote temperance, to suppress the evils of intemperance, and to regulate and control the manufac-

ture, purchase, bottling, sale, distribution, transportation, handling, advertising, possession, dispensing, drinking and use of alcoholic, vinous, malt and brewed beverages, it shall be unlawful:

a. For any licensee person to sell, furnish, give to or purchase for any minor person any malt or brewed beverages, any wine or liquor, or any alcoholic or intoxicating beverage, or to attempt to sell, furnish, give to or purchase for any minor person any of said beverages.

b. For any minor person, directly or indirectly, to falsely represent that he is not a minor or is not of legal drinking age, and by means of such false representation buys, receives, or otherwise obtains, or attempts to buy, receive, or otherwise obtain any malt or brewed beverages, any wine or liquor, or any alcoholic or intoxicating beverages.

c. For any person, directly or indirectly, to falsely represent or attempt to falsely represent that a minor person is not minor or is not of legal drinking age, and by means of such false representation aids and abets, or attempts to aid or abet, such minor person to buy, receive or otherwise obtain, any malt or brewed beverages, any wine or liquor, or any alcoholic or intoxicating beverages.

2. A licensee or his employee may only accept any one or more of the following documents for the purpose of determining the age of a person purchasing or attempting to purchase alcoholic beverages:

- a. A valid driver's license of any state;
- b. United States active-duty military identification;
- c. Passport;

d. A valid identification card issued by any agency of a state for the purpose of identification along with another form of identification.

Statutory Authority: Sections 28-3-49; 28-3A-25(a)(3), Code of Alabama, 1975.

Interested persons may present their views in writing to the Administrator of the ABC Board at any time during the 35-day period following December 31, 1983, or if requested in advance, by personally appearing in the Board Room of the Alabama Alcoholic Beverage Control Board, 2715 Gunter Park Drive West, Montgomery, Alabama, at 1:00 p.m., Monday, February 13, 1984.

Contact Person: Hugh Reynolds, Director
ABC Enforcement Division
Phone 271-3840

Which was read and referred to the Standing Committee on Judiciary.

ADJOURNMENT

At 1:38 P.M., on motion of Senator deGraffenried, the Senate adjourned until Thursday, February 9, 1984, at 10 o'clock A.M.

**SECOND LEGISLATIVE DAY
THURSDAY, FEBRUARY 9, 1984**

The Senate met pursuant to adjournment, President Pro Tempore Teague presiding.

PRAYER

The Session was opened with prayer by the Reverend Billy Stephenson, Pastor, Mt. Zion Baptist Church, Brantley, Alabama.

ROLL CALL

Present:

Senators:	Cabaniss	Ellis	Menton
Aldridge	Cooley	Foshee	Mitchem
Amari	Corbett	Goodwin	Parsons
Bailey	Covington	Hand	Sanders
Barron	deGraffenried	Hilliard	Smith (B)
Bedford	Denton	Holmes	Smith (J)
Bedsole	Dial	Langford	Strong
Bennett	Dixon	Little	Teague
Bishop	Drinkard		

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JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the First Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Figures and Pearson for today.

**REPORT OF THE STATE JUDICIAL COMPENSATION
COMMISSION TO THE 1984 REGULAR SESSION OF THE
ALABAMA LEGISLATURE**

The Judicial Compensation Commission hereby files its report with the 1984 Regular Session of the Alabama Legislature.

The Commission notes that the State appellate and trial judges re-

ceived no salary adjustment in the 1983 Regular Session of the Legislature through either the report of this Commission or by legislative act.

In considering the recommendations for State judicial compensation, this Commission concludes that the circuit judges of this State should be compensated at an amount equal to the annual salary paid to United States District judges and that our appellate judges should receive compensation commensurate with the judges of the United States Courts of Appeals. Presently, these federal judges are paid over \$20,000 more per annum than comparable state judges. The judges of our state courts come from the same rank and file of the legal profession as do federal judges. They try the same serious cases; they are just as competent; and their caseloads are double their counterparts in the federal system.

We are also aware of the current shortfall of general fund revenues and the difficult task the Legislature has in the equitable distribution of those funds.

Accordingly, it is recommended to the Legislature that the annual salary and expense allowance to be paid from the state treasury for appellate, circuit, and district judges of this State be fixed at their current pay plus the same percentage increase which the Legislature enacts for state employees generally.

Supreme Court of Alabama

Chief Justice	\$58,500 plus state employee's cost-of-living percentage increase
Associate Justice	\$58,000 plus state employee's cost-of-living percentage increase

Court of Criminal Appeals and Court of Civil Appeals

Presiding Judges	\$57,500 plus state employee's cost-of-living percentage increase
Associate Judge	\$57,000 plus state employee's cost-of-living percentage increase

<u>Circuit Court Judges</u>	\$48,000 plus state employee's cost-of-living percentage increase
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<u>District Court Judges</u>	\$38,400 plus state employee's cost-of-living percentage increase
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ADOPTED by the affirmation vote of the below named five members of the Judicial Compensation Commission.

CERTIFIED to the Secretary of the State of Alabama and submitted to the Legislature on this ____ day of _____, 1984.

J. CLEWIS TRUCKS,
Chairman.

WILLIAM H. ROGERS,
BROOX G. GARRETT,
CHARLES R. ADAIR, JR.,
SYLVESTER JONES,

The foregoing report was read and referred to the Standing Committee on Rules.

MOTION TO RECESS

Senator deGraffenried moved that when the Senate recesses for the purpose of the Joint Session, in accordance with H. J. R. 14, it reconvene in its Chamber to accept only introduction of bills and committee reports, which motion was adopted.

MOTION TO ADJOURN

Senator deGraffenried then moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, February 14, 1984, at 2 o'clock P.M., which motion was adopted.

RESOLUTION

Senators Goodwin, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Hand, Hilliard, Homes, Langford, Little, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong, and Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 10. NAMING THE BRIDGE ACROSS LITTLE MULBERRY CREEK ON HIGHWAY 14 AT STATESVILLE, AUTAUGA COUNTY, ALABAMA, THE "BILL NICHOLS BRIDGE".

WHEREAS, though a native of Mississippi, U. S. Congressman Bill Nichols has been a resident of Sylacauga, Alabama, since infancy and is a graduate of Sylacauga High School; and

WHEREAS, as a student at Auburn University where he excelled both academically and athletically, Congressman Nichols earned a football scholarship, lettering for three years, and captained the 1940 team; he was extended membership in three honorary fraternities—Blue Key, Gamma Sigma Delta and Scabbard and Blade—and earned the B. S. and Master's degrees in 1939 and 1940, respectively; and

WHEREAS, Congressman Nichols declined a pro football contract to accept instead a position as the assistant county farm agent in Autauga County, but his planned career in agriculture, in keeping with his academic background, was interrupted by World War II; and

WHEREAS, in 1947, retired with the rank of captain and the recipient of the Bronze Star and the Purple Heart for distinguished service in combat, Bill Nichols returned to Sylacauga to enter private business and to become highly successful as a corporate executive; and

WHEREAS, Congressman Nichols, prior to his 1966 election to the U. S. House of Representatives, served in both the House and Senate of the Alabama Legislature where he earned the respect of his colleagues and constituents and was named by the Capitol Press Corps as "The most outstanding member of the Alabama Senate" in 1965; and

WHEREAS, during his first term in Washington, Congressman Nichols served on the House Agriculture Committee but, in 1968, he petitioned and received a seat on the House Armed Services Committee and has risen to a leadership position on the prestigious committee; and

WHEREAS, from the 90th Congress to the present 98th Congress, Bill Nichols' contributions to his district, state and nation have distinguished him as a true patriot and a leader among men; he has kept faith with the citizens of Alabama and, in appreciation, it is their desire that he be recog-

nized for such extraordinary accomplishment on their behalf; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute and in deep gratitude, we hereby name and designate the bridge across Little Mulberry Creek on Highway 14 at Statesville, Autauga County, Alabama, the "Bill Nichols Bridge."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said bridge as the "Bill Nichols Bridge."

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Congressman Nichols as a memento of this honorary designation of the Alabama Legislature.

On motion of Senator Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Hand:

S. 146. To amend Section 6-8-40, Code of Alabama, 1975, so as to delete the requirement that clerks of the several circuit courts and registers must subscribe for, take and file in their offices copies of newspapers.

Committee on Judiciary.

By Senators Drinkard, Bennett, and Strong:

S. 147. To amend Sections 16-8-25 and 16-12-21, Code of Alabama 1975, to provide full-time teachers who teach the entire academic year with at least two weeks of vacation.

Committee on Education.

By Senator Teague:

S. 148. To amend Sections 36-30-1 and 36-30-20, Code of Alabama 1975, which provide for compensation for death or disability of certain law enforcement personnel, and Section 36-21-8, Code of Alabama 1975, which provides for the retention of badges and pistols upon retirement by certain law enforcement personnel, so as to include officers of the Department of Industrial Relations within these provisions.

Committee on Governmental Affairs.

By Senator Bennett:

S. 149. To exempt the Association for Retarded Citizens of Alabama, Inc., and its affiliated units not otherwise exempt, from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Senator Bennett:

S. 150. To amend Section 16-10-1, Code of Alabama, 1975, so as to eliminate the requirement that local school trustees must be appointed by

the county board of education.

Committee on Education.

By Senators Strong, Denton, Aldridge, and Cooley:

S. 151. To amend Section 36-21-2, Code of Alabama 1975, to increase the subsistence allowance paid to any state law enforcement officer of the State of Alabama who is employed by the Department of Public Safety, Department of Conservation and Natural Resources, Alabama Alcoholic Beverage Control Board, Department of Agriculture and Industries or the Transportation Enforcement Division of the Alabama Public Service Commission from \$5.00 per day to \$12.50 per day.

Committee on Finance and Taxation.

By Senator Teague:

S. 152. To amend Section 9-13-63, Code of Alabama 1975, which provides for the maintaining of records of purchases of manufactured forest products, so as to increase the penalty for failure to maintain such records.

Committee on Agriculture,
Conservation, and Forestry.

By Senator Dial (With Notice and Proof):

S. 153. To permit banks now or hereafter situated in Chambers County to establish, maintain or operate branch banks and branch offices within said county for the conduct of a general banking and trust business; and to repeal conflicting laws.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 153, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Teague, Dial, Hand, and Menton:

S. 154. To provide for educational assistance benefits for members of the Alabama National Guard.

Committee on Military Affairs.

By Senator deGraffenried:

S. 155. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, replacing and superseding Article XV; specifically repealing Sections 271 through 278 of the Constitution of 1901, as amended, relating to the Militia and all other conflicting provisions of said Constitution and amendments thereto; providing for an election thereon and prescribing an effective date for the proposed amendment.

Committee on Constitutional Revision.

The above Bill was read a first time at length as required by the Constitution.

By Senator Little:

S. 156. To amend Section 3-1-29 of the Code of Alabama 1975, which section prohibits certain activities relating to fighting of dogs, so as to pro-

vide further for procedures relating to such prohibited activities.

Committee on Agriculture,
Conservation, and Forestry.

By Senator Cooley (With Notice and Proof):

S. 157. To provide for and create the Madison County Racing Commission, for the regulating, licensing and supervising of greyhound racing and pari-mutuel wagering thereon; to prescribe the composition, appointment, powers and duties of the Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the Act; to provide certain penalties for the violation of this Act and for other purposes relative thereto; and to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 157, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Covington:

S. 158. To exempt electric cooperatives and electric membership corporations organized under Chapters 6 and 7 of Title 37 of the Code of Alabama of 1975, as amended, from the provisions of the Uniform Disposition of Unclaimed Property Act, which Act is codified in Sections 35-12-20 through 35-12-48, Code of Alabama of 1975, as amended, to establish an effective date of January 1, 1983, to repeal laws inconsistent therewith and to provide that the provisions of the Act are severable and that if any provision is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Committee on Commerce,
Transportation, and Utilities.

By Senator Langford:

S. 159. To amend Section 11-45-8, Code of Alabama 1975, to include other like codes with those codes listed which may be adopted by ordinance and by reference under the authority and procedures of said section.

Committee on Judiciary.

By Senator Little:

S. 160. To establish the Revenue Forecast Control Commission to project anticipated state revenue and prohibit the legislature from appropriating more than a certain percentage of the projected revenue.

WHEREAS, the legislative fiscal office, the state finance director's office, the state revenue department, and the Center for Economics and Business Research located in Tuscaloosa, Alabama, each make independent projections of revenue anticipated to be received by the State; and

WHEREAS, each of the aforementioned projections may differ widely; and

WHEREAS, as a result of the separate projections, a true and valid

anticipation of the revenues is not available to the legislature; and

WHEREAS, as a result of this lack of a valid projection, proration of appropriated funds may be necessitated; now therefore,

Committee on Finance and Taxation.

By Senator Little:

S. 161. To amend Section 37-1-88 of the Code of Alabama 1975, relating to the right of a party to be heard in public service commission hearings, proceedings and investigations, so as to provide further for a party to be heard through a duly authorized person other than an attorney-at-law in such commission meetings.

Committee on Judiciary.

By Senator Little:

S. 162. To exempt the Alabama Peace Officers Association and the Fraternal Order of Police, non-profit organizations, operating in the State of Alabama, from the payment of state, county or municipal sales or use tax.

Committee on Finance and Taxation.

By Senator Little:

S. 163. To amend Section 28-6-1, Code of Alabama 1975, which provides for the definition of a native farm winery, so as to provide further for said definition.

Committee on Agriculture,
Conservation, and Forestry.

By Senator Teague:

S. 164. To amend Sections 25-4-55, 25-4-56, 25-4-57, 25-4-58, 25-4-70, 25-4-75 and 25-4-77, Code of Alabama 1975, as last amended so as to provide that the Special Federal Advance Interest Repayment Fund established by ACT 83-178 will be permanently available as mandated by P. L. 98-21, and to provide for disbursement therefrom, and for discontinuing assessments thereafter when no funds are due or needed; and to provide for disposition of any balances in such fund; to expand the provisions of the Code to provide for denial of benefits during customary vacation periods and holiday or other usual recesses to the same extent as now provided for between term and academic year periods; to provide denial of benefits to employees of certain educational service agencies to the same extent and under the same conditions as now provided for employees of educational institutions; and to define "educational service agencies"; and to exempt from disqualification from receiving benefits individuals whose failure to seek work was due to jury duty as defined herein.

Committee on Business and Labor
Relations.

By Senator deGraffenried:

S. 165. To propose and provide for a constitutional amendment to the Constitution of Alabama of 1901, as amended, which provides generally for the application and implementation of any State Constitution, which is a new Article XV, Sections 200, 201 and 202; repealing provisions of the Constitution 1901, and amendments thereto; providing for an election thereon

and prescribing an effective date for the proposed Amendment.

Committee on Constitutional Revision.

The above Bill was read a first time at length as required by the Constitution.

By Senator deGraffenried:

S. 166. To amend Section 17-4-160 of the Code of Alabama 1975, relating to voter registration, so as to require county boards of registrars to visit any college campus in the county one day during fall registration for classes.

Committee on Governmental Affairs.

By Senator deGraffenried:

S. 167. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, replacing and superseding Article II; specifically repealing Sections 37 through 41 of the Constitution of 1901, as amended, relating to the State and County Boundaries, and all other conflicting provisions of said Constitution and amendments thereto; providing for an election thereon and prescribing an effective date for the proposed Amendment.

Committee on Constitutional Revision.

The above Bill was read a first time at length as required by the Constitution.

By Senator deGraffenried:

S. 168. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, replacing and superseding Article III; specifically repealing Sections 42 and 43 of the Constitution of 1901, as amended, relating to the Distribution of Power of Government, and all other conflicting provisions of said Constitution and amendments thereto; providing for an election thereon and prescribing an effective date for the proposed Amendment.

Committee on Constitutional Revision.

The above Bill was read a first time at length as required by the Constitution.

By Senator deGraffenried:

S. 169. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, replacing and superseding Article VI, specifically repealing Amendment 328 of the Constitution of 1901, as amended, relating to the Judicial Department, and all other conflicting provisions of said Constitution and amendments thereto; providing for an election thereon and prescribing an effective date for the proposed Amendment.

Committee on Constitutional Revision.

The above Bill was read a first time at length as required by the Constitution.

By Senator Denton:

S. 170. To provide that the governing body of any municipality, with a population of less than 5,000 persons, by resolution duly adopted, may abol-

ish or create a civil service system or other personnel board; to continue all rights, interest and privileges which certain employees have in any civil service or merit system within any such municipality; to prescribe that the provisions of this act shall be construed in pari materia with Section 36-27-6, Code of Alabama 1975, permitting certain governing boards, including municipalities to elect to have its eligible officers and employees participate in the state retirement systems; and to repeal conflicting laws.

Committee on Governmental Affairs.

By Senator Dixon:

S. 171. To amend Section 34-9-18 of the Code of Alabama 1975, relating to the practice of denistry so as to provide that repeated irregularities in billing an insurance company or other third party payer for services rendered a patient, may be grounds for suspending a license to practice denistry.

Committee on Health and Welfare.

By Senator Dixon:

S. 172. To amend Sections 34-9-1 and 34-9-6 relating to the practice of denistry so as to regulate dental practice insurance coverage in health insurance policies and employee benefit plans.

Committee on Banking and Insurance.

By Senator Dixon:

S. 173. Relating to dental practice insurance coverage in health insurance policies and employee benefit plans so as to allow any individual who has dental insurance coverage or contract benefits, the right to select any dentist of his choice to furnish the dental care provided under such plans or policies; to provide that it shall be the duty and responsibility of the commissioner of insurance to enforce the provisions of this Act; and to provide for penalties for violations as provided in Section 27-1-12 of the Code of Alabama 1975.

Committee on Banking and Insurance.

By Senators Drinkard, Bennett, and Dixon:

S. 174. To provide longevity pay for certain employees in the classified service of the state; to prescribe the amount of such pay and the manner of its payment; and to appropriate funds for the purposes of the act.

Committee on Finance and Taxation.

By Senator Ellis:

S. 175. To amend Section 11-43-3, Code of Alabama 1975, to eliminate the requirement that the city treasurer and the city clerk in municipalities of more than 6,000 inhabitants must be a resident of the city but providing that the council may, by ordinance, require that such officers be residents of the city.

Committee on Governmental Affairs.

By Senator Denton:

S. 176. To provide facilities for displaying certain exhibits in cooperation with the Tennessee Valley Authority; creating the Alabama Tennessee Valley Authority Exhibit Commission as an agency of the State of Alabama

and providing for its membership, terms, authority and duties; authorizing the issuance of revenue bonds and general obligation bonds, subject to the approval of the Governor, and providing for the retirement of such bonds; authorizing the allocation and expenditure of funds; and providing exemptions from all taxes.

Committee on Commerce,
Transportation, and Utilities.

By Senator Parsons:

S. 177. To prohibit certain governmental employees from accepting private employment with any business said persons regulated while in government service and to provide criminal penalties.

Committee on Judiciary.

By Senator deGraffenried:

S. 178. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, replacing and superseding Article I; specifically repealing Sections 1 through 36 of the Constitution of 1901, as amended, relating to the Declaration of Rights, and all other conflicting provisions of said Constitution and amendments thereto; providing for an election thereon and prescribing an effective date for the proposed Amendment.

Committee on Constitutional Revision.

The above Bill was read a first time at length as required by the Constitution.

By Senator Hilliard:

S. 179. To exempt certain business entities known as a Small Business Investment Company from payment of state income taxes and state sales and use taxes until January 1, 2000.

Committee on Finance and Taxation.

By Senator Hilliard:

S. 180. Exempting certain investment companies, banks and savings and loan associations from the payment of state income taxes on profits and interest from loans made in certain areas designated as being in an "Enterprise Zone" until January 1, 2000.

Committee on Finance and Taxation.

By Senator deGraffenried:

S. 181. To provide for holding a convention to revise and amend the Constitution of this state; to provide consulting and professional assistance, and to make a conditional appropriation.

Committee on Constitutional Revision.

By Senator Hilliard:

S. 182. Authorizing incorporated municipalities to create and establish certain municipal assistance agencies which provide certain financial assistance to certain businesses beset with unique problems resulting from decisions made by state and local governments.

Committee on Governmental Affairs.

By Senator Hilliard:

S. 183. To exempt certain business entities known as a Minority Enterprise Small Business Investment Company from the payment of state income taxes and state sales and use taxes until January 1, 2000.

Committee on Finance and Taxation.

By Senator Ellis:

S. 184. To amend Section 12-14-5, Code of Alabama 1975, which Section relates to the bail of persons charged with violations of municipal ordinances and to amend Section 12-14-70, Code of Alabama 1975, as amended, which Section relates to appeals to the circuit court from judgments of municipal courts; to establish an effective date.

Committee on Judiciary.

By Senators Foshee, Goodwin, Teague, Strong, Dial, Covington, Bedsole, Menton, Denton, Cooley, Langford, Drinkard, Corbett, Aldridge, and Hand:

S. 185. To amend Sections 12-19-90, 7-9-403, 7-9-404, 7-9-405, 7-9-406, 7-9-407, 9-11-37, 9-11-47, 9-11-55, 9-11-56, 33-5-10, 33-5-17, 40-12-2, 40-12-15 and 40-12-22, Code of Alabama, 1975, as amended, which relate to the fees and charges for services rendered in the probate offices of this state, so as to provide further for the fees and charges for services rendered in such offices.

Committee on Finance and Taxation.

By Senators Parsons and Strong:

S. 186. To define and regulate health studios and to provide for criminal penalties.

Committee on Judiciary.

By Senators Parsons, Hand, and Strong:

S. 187. To require certain minimum deposits into a trust fund of proceeds from sales of grave space in an endowment or perpetual care cemetery; to require a minimum deposit into an irrevocable trust fund by any person establishing endowment or perpetual care cemeteries after the effective date of this Act; to provide for certain contractual provisions; to provide for the supervision and control of such trust funds; to provide for penalties for violation; to provide for enforcement and supervision by the Attorney General and district attorneys of the several judicial circuits; to provide for the recording of certain reports in the several probate courts; to provide for licenses to be obtained from the probate judge; and for related purposes.

Committee on Consumer Affairs.

By Senator Parsons:

S. 188. To require local school boards, governing boards of the Department of Youth Services, the Alabama Institute for Deaf and Blind and public postsecondary institutions to provide professional leave to their employees for State Board of Education meetings, workshops and job related conferences and conventions, and professional association activities.

Committee on Education.

By Senator Foshee:

S. 189. To amend Section 2 of Act No. 83-889, Fourth Special Session of 1983, so as to provide that all oil or gas production by wells other than oil or gas produced by offshore production after January 1, 1985, shall be taxed at the rate of six percent of the gross value of said oil or gas at the point of production for a period of five years from the date production first begins.

Committee on Finance and Taxation.

By Senator Little:

S. 190. To amend Section 32-5A-154, Code of Alabama 1975, which prohibits overtaking and passing school busses, so as to increase the penalties for violations.

Committee on Judiciary.

By Senator Barron:

S. 191. To amend Section 5-18-11 of the Code of Alabama 1975 relating to books, accounts and records of licensees under the Alabama Small Loan Act so as to provide further for annual reports of such licensees.

Committee on Banking and Insurance.

By Senators Foshee and Hand:

S. 192. To make a supplemental appropriation from the general fund in the state treasury to the office of the Secretary of State the fiscal year ending September 30, 1984.

Committee on Finance and Taxation.

By Senators Corbett, Teague, Parsons, and Strong:

S. 193. To amend Sections 25-5-13 and 25-5-50, Code of Alabama, 1975, so as to remove certain exceptions from compulsory participation.

Committee on Education.

By Senators Mitchem, Little, and Barron:

S. 194. To make appropriations for the support and maintenance of the Tuskegee Institute for the fiscal year ending September 30, 1985.

Committee on Finance and Taxation.

By Senators Mitchem, Little, and Barron:

S. 195. To make appropriations for the support and maintenance of the Talladega College for the fiscal year ending September 30, 1985.

Committee on Finance and Taxation.

By Senators Mitchem, Little, and Barron:

S. 196. To make appropriations for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1985.

Committee on Finance and Taxation.

By Senators Goodwin, Mitchem, Little, and Barron:

S. 197. To make appropriations for the support and maintenance of

the Marion Military Institute for the fiscal year ending September 30, 1985.

Committee on Finance and Taxation.

By Senators Mitchem, Little, and Barron:

S. 198. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1985.

Committee on Finance and Taxation.

By Senators Mitchem, Little, and Barron:

S. 199. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1985.

Committee on Finance and Taxation.

By Senators Mitchem, Little, and Barron:

S. 200. To make appropriations for financial assistance to non-state agencies for the fiscal year ending September 30, 1985.

Committee on Finance and Taxation.

By Senator Bailey:

S. 201. Relating to the promotion of the production, research, distribution, marketing, use, improvement and sale of soybeans and soybean products; to amend Section 2-8-89 of the Code of Alabama 1975, to provide that the assessment levied upon the sale of soybeans shall not exceed two cents per net bushel after deductions for foreign material on any soybeans sold by producers.

Committee on Agriculture,
Conservation, and Forestry.

MOTION IN WRITING

Senator Little offered the following Motion in Writing, to-wit:

MOTION IN WRITING TO AMEND RULES

Pursuant to the notice in writing previously given, I hereby move that the Senate adopt the following new Rule 80:

Rule 80. All salary, expense allowances or other increases in compensation or benefits of any form whatsoever of members of the legislature shall only be passed by a roll call recorded vote.

Senator Little moved that the Rules be suspended and the Motion in Writing be adopted.

Upon the objection of Senator Parsons, said Motion in Writing was referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 2. NOTIFYING THE GOVERNOR THAT THE LEGISLATURE IS NOW IN SESSION AND IS READY FOR THE TRANSACTION OF BUSINESS.

Also:

H. J. R. 8. DESIGNATING MARCH 10, 1984 AS "RAYMOND WAITES DAY" IN ALABAMA.

Also:

H. J. R. 12. CONGRATULATING THE CITY OF WETUMPKA ON THE OCCASION OF ITS ONE HUNDRED FIFTIETH ANNIVERSARY.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

RESOLUTION

Senators Drinkard, Dial, Teague, and Dixon offered the following Senate Joint Resolution, to-wit:

S. J. R. 11. CREATING AN INTERIM LEGISLATIVE COMMITTEE TO ASSESS THE NON-FEDERAL ASPECTS AND RESPONSIBILITIES INVOLVED IN COMPLETING THE COOSA RIVER NAVIGATION PROJECT.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of four members of the House to be appointed by the Speaker and four members of the Senate to be appointed by the Lieutenant Governor. The committee shall continue to exist until November 1, 1986, at which time it shall terminate. The committee, which shall be named the "Coosa River Study Committee," shall study those aspects of the proposed Coosa River Navigation Project which involve the State of Alabama. Priority will be given to the benefits to be derived, funding the non-Federal portion of the costs and meeting the responsibilities of the Coosa Valley Development Authority as the designated local sponsor. The committee shall elect at the first meeting a chairman and vice chairman from among their members.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total of such expenses shall not

exceed \$7,000.00 per year, which shall be payable from funds made available for legislative use.

The committee shall report its findings and suggestions to the full legislature at each regular session of the Legislature in 1984, 1985 and 1986.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (Roy):

H. J. R. 14. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING, That a joint session of the House and Senate be held at 11:00 a.m. on February 9, 1984, for the purpose of hearing the message of the Honorable George C. Wallace, Governor of Alabama.

BE IT FURTHER RESOLVED, That a committee of three from the House, to be named by the Speaker of the House, and a committee of three from the Senate to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House for the joint session.

And the Speaker has appointed a committee on the part of the House, Reps. Davis, Smith, and Blake.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 14, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

The President Pro Tempore of the Senate appointed as members on part of the Senate Senators Langford, Menton, and Barron.

NOTICE IN WRITING

Senator Little filed the following Notice in Writing, to-wit:

NOTICE IN WRITING TO AMEND RULES

Notice is hereby given in accordance with Senate Rules that on the next legislative day a motion will be made to add the following new Rule 80 as follows:

Rule 80. All salary, expense allowances or other increases in compensation of members of the legislature shall be passed only by a roll call recorded vote.

RESOLUTION

Senator Hilliard offered the following Senate Joint Resolution, to-wit:

S. J. R. 12. CREATING THE ALABAMA MUNICIPAL TRADE MART COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Alabama Municipal Trade Mart Commission. Such commission shall investigate and study from all angles the feasibility of setting up a trade mart in each of the cities of Birmingham, Mobile and Huntsville. Such trade marts shall consist of land for product markets, exhibition halls, buildings and other related structures where products and goods may be displayed to encourage the buying and selling of such products and goods, to encourage the expansion of existing industries in Alabama, to encourage the location of new industries in Alabama, and to foster and encourage the growth of the general economy of Alabama. The commission shall particularly investigate ways and means of funding such marts and shall evaluate the benefits that may be derived therefrom, and weigh them against the costs of acquiring, establishing and maintaining such marts.

The commission shall be composed of nine members, three of whom shall be residents of Birmingham, three shall be residents of Mobile and three shall be residents of Huntsville. The mayor or other chief executive officer of each of the above-named cities shall appoint two members of the commission from that city and the governor shall appoint one member of the commission from each city.

Members of the commission shall receive no compensation for serving on such commission, but shall be reimbursed for their reasonable, necessary expenses out of funds heretofore appropriated to the legislature; provided that the total expenditures of the commission shall not exceed \$3,000.00.

The commission shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the next regular session, at which time the commission shall be abolished.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holley:

H. J. R. 16. RECALLING ACT NO. 81-889, S. 32 OF THE FIRST SPECIAL SESSION 1981, PROPOSING A CONSTITUTION AMENDMENT ON BUDGETARY MATTERS AND THE LEGISLATIVE PROCESS, FROM THE SECRETARY OF STATE.

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the Secretary of State return to it forthwith for further consideration Act No. 81-889, S. 32 of the First Special Session 1981.

RESOLVED FURTHER, That copies of this resolution shall be sent to the Secretary of State, to the Clerk of the House and to the Secretary of the Senate.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 16, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Laird:

H. J. R. 20. REQUESTING THE GOVERNOR TO PROCLAIM THE WEEK OF MAY 7, 1984, AS ALABAMA SMALL BUSINESS WEEK.

WHEREAS, the President of the United States of America, by proclamation, designated the week of May 8 through May 14, 1983, as Small Business Week, in special tribute to the outstanding contributions of the small businesswomen and businessmen of this nation, with the official theme "There's No Business Like Small Business"; and

WHEREAS, there are more than 14 million small businesses, as defined by the Small Business Administration, in the United States, and many of these small businesses are in Alabama, employing approximately 790,000 Alabamians; and

WHEREAS, statistics of the federal government indicate that these small businesses account for 38 percent of the gross national product of the United States, create two out of every three new jobs, and produce two and one-half times as many innovations per employee as large firms; and

WHEREAS, the entrepreneurship and productivity of small businesswomen and businessmen constitute the vital core of the American free enterprise system; and

WHEREAS, the economic health of Alabama depends, in large measure, on the prospects of the state's small businesses; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and salute small business throughout the nation, most particularly those in Alabama, and the vitality of their free enterprise philosophy.

BE IT FURTHER RESOLVED, That we hereby request that the Governor proclaim the week of May 7, 1984, through May 15, 1984, inclusive, as Alabama Small Business Week, in special recognition of the contributions which small businesswomen and businessmen have made, and will continue to make, to our state.

RESOLVED FURTHER, That a copy of this resolution be forwarded to the Governor.

HOUSE MESSAGE

The Resolution, H. J. R. 20, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Laird, Rice, and Richardson:

H. J. R. 21. URGING THE REVENUE DEPARTMENT TO ACCEPT PERSONAL CHECKS FOR ISSUING CERTAIN LICENSES.

WHEREAS, it has come to the attention of the Legislature of Alabama that the Department of Revenue requires that persons applying for motor vehicle licenses for interstate or intra-state truck travel must remit the fees with either a certified check or cash; and

WHEREAS, the cost of these licenses at times exceeds eight hundred dollars; and

WHEREAS, it is extremely inconvenient and dangerous to carry around these vast amounts of currency; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge that the Department of Revenue, upon presentation of proper identification, accept personal checks from applicants purchasing motor vehicle licenses for interstate or intra-state trucks.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Commissioner of the Department of Revenue that he may know of our wishes in this regard.

HOUSE MESSAGE

The Resolution, H. J. R. 21, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Turnham, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L), and Zoghby:

H. J. R. 18. COMMENDING DR. J. MICHAEL SPROTT FOR MERITORIOUS SERVICE WITH AUBURN UNIVERSITY'S EXTENSION PROGRAM.

Also:

By Rep. Turnham:

H. J. R. 19. MOURNING THE DEATH OF MR. E. L. STEWART OF
TALLADEGA, ALABAMA.JOHN W. PEMBERTON,
Clerk.**HOUSE MESSAGE**

The Resolutions, H. J. R.'s 18 and 19, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

RECESS

At 10:55 A.M., on motion of Senator deGraffenried, the Senate took a recess until the completion of the Joint Session.

JOINT SESSION

At 11 o'clock A.M., in accordance with Joint Resolution heretofore adopted, the Senate assembled in the Hall of the House of Representatives for the purpose of hearing the Message of His Excellency, the Governor, the Honorable George C. Wallace.

The Session was called to order by the Honorable John Teague, President Pro Tempore of the Senate. A quorum of the Legislature was present.

Thereupon, the Honorable George C. Wallace was escorted to the Chair and delivered his address to the Legislature of Alabama.

(See House Journal for Governor's Message.)

The purpose of the Joint Session having been accomplished, the Senate returned to its Chamber and was called to order by President Pro Tempore Teague.

ROLL CALL

Present:

Senators:	Cabaniss	Ellis	Menton
Aldridge	Cooley	Foshee	Mitchem
Amari	Corbett	Goodwin	Parsons
Bailey	Covington	Hand	Sanders
Barron	deGraffenried	Hilliard	Smith (B)
Bedford	Denton	Holmes	Smith (J)
Bedsole	Dial	Langford	Strong
Bennett	Dixon	Little	Teague
Bishop	Drinkard		

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REPORTS OF COMMITTEES

Senator Foshee, Chairperson of the Standing Committee on Buildings and Grounds, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Covington:

S. 68. To authorize the Clerk of the House and the Secretary of the

Senate to appoint certain full-time and part-time legislative security officers for their respective jurisdictions; to prescribe the training and qualifications, the compensation, powers and duties of such officers; to provide and to prescribe the benefits for such officers.

By Senators Foshee and Teague:

S. 134. Relating to contractors; to require out-of-state contractors to register and file either a deposit or surety bond as well as a list of personal property involved in a construction project in Alabama upon which use and ad valorem taxes are due and payable; to provide for the payment of such taxes; and to provide for the return of the deposit or surety bond posted.

By Senators Foshee and Teague:

S. 135. Relating to contracts and contractors; to give preference to resident contractors who bid on public work projects except where federal funds are involved.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (J):

S. 78. Providing for the termination of parental rights and responsibilities of parents who are unable or unwilling to discharge their responsibilities to and for the child; providing certain definitions; enumerating the circumstances to be considered by the court in cases where such rights and responsibilities are sought to be terminated; providing for the procedure to be followed in termination cases; providing for the disposition of such cases; and providing for periodic review of the circumstances of certain children.

Senator Langford, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett (With Substitute):

S. 27. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama State Board of Social Work Examiners as provided in Sections 34-30-50 through 34-30-58, Code of Alabama 1975, and the legislature's concurrence thereof.

Senator Langford, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Langford:

S. 79. To amend Section 17-16-6, Code of Alabama 1975, which relates to the time and place for holding primary elections, except special primary elections and presidential preference primaries, so as to provide that primary elections shall be held on the first Tuesday in June, and a runoff election, if necessary, shall be held on the fourth Tuesday thereafter, effective June 5, 1984, and thereafter.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 28. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Psychology as provided in Sections 34-26-1 through 34-26-48, Code of Alabama 1975, and the Legislature's concurrence thereof.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 29. Relating to the Alabama Sunset law; to continue the existence and functioning of the Alabama State Board of Public Accountancy as provided in Sections 34-1-1 through 34-1-22, Code of Alabama 1975, and the legislature's concurrence thereof.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 31. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Funeral Service as provided in Sections 34-13-1 through 34-13-31, Code of Alabama 1975, and the legislature's concurrence thereof.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 32. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Real Estate Commission as provided in Sections 34-27-1 through 34-27-38, Code of Alabama 1975, and the legislature's concurrence thereof.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 33. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Alcoholic Beverage Control Board as provided in Sections 28-3-40 through 38-3-53, Code of Alabama 1975, and the legislature's concurrence thereof.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 34. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Insurance Department as provided in Sections 27-2-1 through 27-2-55, Code of Alabama 1975, and the legislature's concurrence thereof.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 35. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Securities Commission as provided in Sections 8-6-50 through 8-6-60, Code of Alabama 1975, and the legislature's concurrence thereof.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 36. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Pilotage Commissioners as provided in Sections 33-4-1 through 33-4-14, Code of Alabama 1975, and the legislature's concurrence thereof.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 37. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Public Service Commission as provided in Sections 37-1-1 through 37-1-157, Code of Alabama 1975, and the legislature's concurrence thereof.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 38. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Professional Entomologists, horticulturists, plant pathologists, floriculturists and tree surgeons examining board as provided in Sections 2-28-1 through 2-28-12, Code of Alabama 1975, and the legislature's concurrence thereof.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 39. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Heating, Air Conditioning, Roofing and Sheet Metal Contractors as provided in Sections 34-31-1 through 34-31-34, Code of Alabama 1975, and the legislature's concurrence thereof.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 40. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Mine Personnel as provided in Sections 25-9-1 through 25-9-370, Code of Alabama 1975, and the legislature's concurrence thereof.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 41. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbing Examiners Board as provided in Section 40-12-145, Code of Alabama 1975, and the legislature's concurrence thereof.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 42. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Liquefied Petroleum Gas Board as provided in Sections 9-17-100 through 9-17-110, Code of Alabama 1975, and the legislature's concurrence thereof.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 43. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Auctioneers as provided in Sections 34-4-1 through 34-4-54, Code of Alabama 1975, and the legislature's concurrence thereof.

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 44. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Nursing as provided in Sections 34-21-1 through 34-21-26, Code of Alabama 1975, and the legislature's concurrence thereof.

Senator Smith (J), Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Smith (J):

S. 91. To amend Section 8-8-5 of the Code of Alabama 1975, which relates to interest rates, so as to remove the Sunset or termination date on the provisions of said section as it applies to loans of \$25,000.00 or less.

By Senator deGraffenried:

S. 52. To amend Section 27-29-1, which provides for the definitions of

Insurance Holding Company Systems, so as to provide further for the exemptions from the definition of "insurer."

By Senator deGraffenried:

S. 55. To authorize certain Mutual Aid Associations to increase their paid-in capital.

By Senator deGraffenried:

S. 83. To establish a time limit for the conversion to a full line life and disability insurer by certain Mutual Aid Associations under the provisions of Section 27-1-14, Code of Alabama 1975, and to establish certain administrative requirements.

By Senator Cabaniss:

S. 90. To amend Section 36-19-24 of the Code of Alabama 1975, relating to reports of fire losses on all property insured within the state so as to require such reports only on those fire losses where the loss exceeds the amount of \$500.00.

Senator Corbett, Chairperson of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Parsons:

S. 114. To further regulate and control alcoholic beverage transactions in Alabama under the control and supervision of the Alcoholic Beverage Control Board; to provide that each manufacturer or importer of alcoholic beverages selling its products in Alabama through wholesale licensees to retail licensees shall designate sales territories within the state and shall enter into a written territorial agreement naming an exclusive wholesaler for each such designated sale territory, and shall file with Board the designated sales territories and a copy of each territorial agreement; to provide that such territorial agreement may not establish or maintain resale price; to provide for the modification of the designated sales territories and exclusive territorial agreements; to provide for verification by the Board of timely and proper filing of returns and payment of state and local taxes levied on alcoholic beverages by statute; to make it unlawful for any manufacturer or importer to permit its products to be sold in Alabama without the designation of sales territories and exclusive wholesalers for such territories, for any wholesaler to sell alcoholic beverages in any territory other than that designated as his exclusive sales territory or to sell any brand of alcoholic beverages without authorization from its manufacturer or importer, and for any retailer to purchase any alcoholic beverages from a wholesaler which has not been designated as the exclusive wholesaler for such alcoholic beverages for the sales territory within which the retailer's place of business is located; to provide penalties for violation of the provisions of this act; and to repeal all laws or parts of laws in conflict or inconsistent herewith.

Senator Smith (B), Chairperson of the Standing Committee on Industrial Expansion, Economic Growth, and Jobs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Smith (J), Denton, Smith (B), Cooley, and Barron:

S. 120. To authorize and make provision for the incorporation of Rail-

road Authorities as public corporation for the purpose of acquiring, constructing, equipping, improving, maintaining, developing, and operating railroads, railroad properties and facilities, and other buildings and facilities, terminal and yard facilities, shop and repair facilities, real and personal property used or useful in rail transportation services, including both freight and passenger railroad service, and including the leasing or letting such buildings, structures or facilities; to provide that in order for any such Authority to be organized, application must be made to the governing body of one or more counties, cities or towns in Alabama, as defined, and permission for organization of such Authority must be obtained from each such governing body to which application is made; to provide for the selection of the directors and officers of each such Authority; to specify the powers of each such Authority; to endow each such Authority with eminent domain powers; to exempt each such Authority from laws and regulations relating to the advertising and award by the State and its departments of construction or purchase contracts; to provide that any county, city, town or other political sub-division, public corporation, agency or instrumentality of this State within this State may aid and cooperate with any such Authority in the planning, undertaking, acquisition, construction and operation of railroads, and railroad properties and facilities, and may lend, give, donate, sell, convey or transfer to any such Authority money, property or any right capable of transfer; to provide that no action or suit shall be brought or maintained against the manager or any director of the Authority for or on account of the negligence of the Authority or director or of its or his agents, servants or employees; to authorize the issuance by each such Authority of interest bearing revenue bonds payable solely out of the revenues of the Authority issuing such bonds; to specify provisions of such revenue bonds issued by any such Authority and to provide that such revenue bonds shall be deemed negotiable instruments; to provide that such revenue bonds issued by any such Authority may be secured by pledge of any of the revenues of the Authority issuing such bonds, whether the Authority's right to such revenues then exists or may thereafter come into existence and by mortgage on any property of any such Authority whether then in existence or thereafter acquired; to provide that such pledge may be provided for in an indenture between the Authority issuing such bonds and a trustee or by resolution providing for the issuance of the bonds; to provide that such pledges shall be valid and binding when made and effective against third parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county in which the principal office of the Authority is located and in any other county in which there is located any property of the Authority, the revenues from which are so pledged; to provide that any such Authority may include in any indenture or resolution authorizing the issuance of such bonds provisions customarily contained in instruments securing evidence of indebtedness; to provide that bonds issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the State or of any county, city or town within the State; to specify the uses to which the proceeds of revenue bonds issued by any such Authority may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds issued by any such Authority and the income therefrom and the property and income of any said Authority; to authorize the investment of any idle funds of any county, city or town within this State in bonds issued by any such Authority; to provide that bonds issued by any such Authority shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by any Authority and spec-

ifying the time after such publication within which actions and defenses may be asserted respecting such bonds, pledge and indenture and the proceedings authorizing the same; and to provide for the dissolution of any such Authority and the disposition of its property.

INTRODUCTION OF BILLS RESUMED

The Senate resumed the call of districts for the introduction of bills, which were severally read one time and referred to appropriate standing committees, as follows:

By Senator Parsons:

S. 202. To authorize the Public Service Commission to grant intra-state charter rights to any common carrier of passengers by motor vehicle regardless if such common carrier holds and operates regular route authority.

Committee on Commerce,
Transportation, and Utilities.

By Senator deGraffenried:

S. 203. To require that group, individual, or blanket hospital or medical expense insurance policies or hospital or medical service contracts, issued for delivery in this state, which include mental health services in the terms of the policies or contracts, shall include reimbursement for services rendered by a duly qualified counselor of this state.

Committee on Banking and Insurance.

By Senator Denton:

S. 204. To amend § 12-17-143 so as to provide for a reversion to the General Fund of the State of contributions and interest for which no corresponding liability continues to exist under the Clerks' and Registers' Super-numerary Fund.

Committee on Finance and Taxation.

By Senator Denton:

S. 205. To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1985.

Committee on Finance and Taxation.

By Senator Menton:

S. 206. To exempt the Alabama Peace Officers Association and the Fraternal Order of Police, non-profit organizations, operating in the State of Alabama, from the payment of state, county or municipal sales or use tax.

Committee on Finance and Taxation.

By Senator Menton:

S. 207. To amend Sections 11-43-189 and 11-43-190 of the Code of Alabama 1975, as amended, relating to civil service merit systems for law enforcement officers.

Committee on Governmental Affairs.

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By Senator Menton:

S. 208. To provide preferential treatment towards admission to any medical research program for any disease deemed crippling or fatal, because of the lack of a known cure, for any sworn full time, regular employed state, county or municipal police officer or fire fighter.

Committee on Governmental Affairs.

By Senator Menton:

S. 209. To provide for a guaranteed minimum starting wage or salary for all county and municipal law enforcement officers of this state and provide for the enforcement of the provisions of this act.

Committee on Finance and Taxation.

By Senator Hilliard:

S. 210. Relating to Civil Rights' History; creating a state agency known as the Alabama Institute of Civil Rights' History to be located in Birmingham; providing for a Board of Trustees; and prescribing the method of appointment, its duties and authorities, and providing for employees.

Committee on Education.

ADJOURNMENT

At 1:45 P.M., on motion of Senator deGraffenried, in accordance with Motion heretofore adopted, the Senate adjourned until Tuesday, February 14, 1984, at 2 o'clock P.M.

**THIRD LEGISLATIVE DAY
TUESDAY, FEBRUARY 14, 1984**

The Senate met pursuant to adjournment, President Pro Tempore Teague presiding.

PRAYER

The Session was opened with prayer by the Reverend Perry Dalton, Minister, Normandale United Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Cabaniss	Ellis	Menton
Aldridge	Cooley	Figures	Mitchem
Amari	Corbett	Foshee	Parsons
Bailey	Covington	Goodwin	Pearson
Barron	deGraffenried	Hand	Sanders
Bedford	Denton	Hilliard	Smith (B)
Bedsole	Dial	Holmes	Smith (J)
Bennett	Dixon	Langford	Strong
Bishop	Drinkard	Little	Teague

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JOURNAL

On motion of Senator Denton, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Second Legislative Day was approved by the Senate.

RECESS

At 2:10 P.M., on motion of Senator Aldridge, the Senate took a recess to return upon the call of the Chair.

At 2:55 P.M., the Senate was called to order by President Pro Tempore Teague. A quorum of the Senate was present.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senators Aldridge and Dixon:

S. 211. Relating to dental practice insurance coverage in health insurance policies and employee benefit plans so as to allow any individual who has dental insurance coverage or contract benefits, the right to select any dentist of his choice to furnish the dental care provided under such plans or policies; to provide that it shall be the duty and responsibility of the commissioner of insurance to enforce the provisions of this Act; and to provide for penalties for violations as provided in Section 27-1-12 of the Code of Alabama 1975.

Committee on Health and Welfare.

By Senators Dixon and Aldridge:

S. 212. To amend the Dental Practice Act, Sections 34-9-1, 34-9-6, 34-9-9, 34-9-17, 34-9-18, 34-9-19, 34-9-22, 34-9-27, 34-9-29, 34-9-40, 34-9-41 and 34-9-43 of the Code of Alabama 1975, so as to regulate further the practice of dentistry and dental hygiene; to regulate further the board of dental examiners; and to provide sanctions.

Committee on Health and Welfare.

By Senator Menton:

S. 213. To amend Section 9-11-54, Code of Alabama 1975, relating to fishing licenses for totally disabled persons, so as to provide for hunting or fishing licenses for totally disabled persons; to omit the license fee; to provide that licenses issued shall be on a continuous basis; to provide that holders may be required to obtain recertification of disability; to provide for the voiding of licenses of holders failing to obtain said recertification; to increase the issuing fee; and to provide that the issuing fee shall be paid into the county treasury under certain circumstances.

Committee on Agriculture,
Conservation, and Forestry.

By Senator Menton:

S. 214. To provide for the issuance of permits, easements, leases, or like instruments by the Commissioner of the Department of Conservation and Natural Resources relating to the installation of any structure in, on, or over state-owned submerged lands lying seaward of duly established harbor lines.

Committee on Agriculture,
Conservation, and Forestry.

By Senator Teague:

S. 215. Relating to home health agencies in Alabama; providing for licensing of home health agencies; empowering the state board of health to grant and revoke such licenses; establishing an advisory board to assist the state board of health in carrying out the provisions of this act; and prescribing criminal penalties for violating certain provisions of this act.

Committee on Health and Welfare.

By Senator Teague:

S. 216. To amend Title 41, Chapter 23, Code of Alabama 1975, which relates to the Department of Economic and Community Affairs to provide a new Section 41-23-6 empowering the Director to appoint certain employees

as peace officers of the State of Alabama with certain restricted powers as described therein, and to renumber the present Section 41-23-6 to be 41-23-7 and the present Section 41-23-7 to be 41-23-8.

Committee on Governmental Affairs.

By Senator Teague:

S. 217. To direct the State Board of Education to establish and periodically update a statewide minimum salary schedule which gives due consideration to the academic and professional preparation of employees and to the length of service rendered; to provide for phasing in this schedule; and to provide further for implementation.

Committee on Finance and Taxation.

By Senator Dial (With Notice and Proof):

S. 218. Relating to Cleburne County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, abolishing the offices of tax assessor and tax collector, repealing conflicting laws; and providing for a referendum thereon.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 218, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Smith (J):

S. 219. To repeal section 34-6-8, Code of Alabama 1975, which prohibits the operation of pool or billiard tables outside of an incorporated city or town having a police force.

Committee on Governmental Affairs.

By Senator Foshee:

S. 220. To provide an additional or alternative remedy to the Reciprocal State Enforcement of Duty to Support law, Code of Alabama 1975, §§ 30-4-80 through 30-4-98, for the benefit of any person owed the duty of support where said duty arises pursuant to a foreign support order or decree as defined in this Act.

Committee on Judiciary.

By Senator Cooley:

S. 221. To provide that funds appropriated under the Education Appropriations Act for the funding of two (2) days personal leave shall be made available to employees for personal reasons.

Committee on Education.

By Senator Cooley:

S. 222. To amend Section 16-22-3, Code of Alabama 1975, requiring examination for tuberculosis of school personnel by deleting the specific tests and frequency and adding the determination of same to be by rule of state board of health.

Committee on Health and Welfare.

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By Senators Bishop, Parsons, Smith (B), Bedford, Foshee, Covington, Barron, Cooley, Aldridge, Goodwin, Smith (J), Menton, Teague, and Corbett:

S. 223. To repeal Sections 4-2-30, 4-2-31, 4-2-32, 4-2-35, 4-2-35.1 and 4-2-36 of the Code of Alabama 1975, relating to the creation, composition, appointment and function of the Alabama department of aeronautics and the Alabama aeronautics commission, and the powers, duties, qualifications and functions of the director of aeronautics and the assistant director of aeronautics; so as to abolish the Alabama department of aeronautics and the Alabama aeronautics commission and to transfer all duties, powers, responsibilities, authorities and functions thereof to the state highway department; and to establish an aeronautics division of the state highway department; and to create the position of supervisor of the aeronautics division of the state highway department; and to create the aeronautics board to serve in an advisory capacity to the aeronautics division of the state highway department, and to supervise and authorize all real estate transactions, whether conveyance, lease, or otherwise and to supervise all funds, monies and investments of the aeronautics division of the state highway department, and provide for the appointment, duties and compensation of the board members; to repeal all laws or parts of laws in conflict herewith; and to provide for the effective date of this Act.

Committee on Governmental Affairs.

By Senator Aldridge:

S. 224. To provide for and create the Alabama Racing Commission for the regulation, licensing and supervision of racing and wagering thereon; to provide for the composition, appointment, compensation, powers and duties of the Racing Commission; to provide for and regulate the pari-mutuel method of wagering within the enclosure of licensed race tracks; to impose license fees, taxes and to provide for the collection of the same under the provisions of the Act; to provide for the limited exemption of existing racing facilities in Mobile, Greene and Macon Counties from the terms of this Act and to further provide for the expiration of such exemption; to provide for the licensing of additional racing facilities by legislative act and a referendum of the voters of the county wherein the facility will be located and to otherwise regulate horse and dog racing within the State and provide for uniform taxation.

Committee on Judiciary.

By Senator Teague:

S. 225. To amend Code of Alabama 1975, Section 22-21-260, so as to include the word "hospices" in the definition of health care facilities regulated and controlled by the State Health Planning and Development Agency.

Committee on Health and Welfare.

By Senator Teague:

S. 226. To amend Section 36-21-9, Code of Alabama 1975, which provides that honorably retired law enforcement officers are eligible to carry handguns.

Committee on Judiciary.

By Senator Foshee:

S. 227. To amend Sections 12-17-231 and 12-17-233, Code of Alabama 1975, relating to the Office of Prosecution Services, so as to provide that employees of said office shall be eligible for membership in the state employees' retirement system; to authorize legislative appropriations to the office; and to further define the program of the Office of Prosecution Services.

Committee on Finance and Taxation.

By Senators Bedsole, Strong, and Hilliard:

S. 228. To amend Section 36-26-15 of the Code of Alabama 1975 relating to the state merit system so as to further provide for the military preference during the lay-off of employees in the classified service.

Committee on Governmental Affairs.

By Senator Foshee:

S. 229. To amend Section 38-2-6.1, Code of Alabama 1975, which provides for the office of state parent locator for the location of absent parents, so as to provide further for said office by providing the office with the authority to locate parents, putative parents, or children in cases of parental kidnapping or child custody disputes and providing that location information may be obtained from the Department of Revenue and private employers.

Committee on Judiciary.

By Senators Mitchem and Little:

S. 230. To make appropriations for the support and maintenance of the Walker County Junior College for the fiscal year ending September 30, 1985.

Committee on Finance and Taxation.

By Senator Covington:

S. 231. To amend Section 41-16-50, Code of Alabama 1975, relating to the expenditure of public funds for leases or lease purchases; to establish an effective date.

Committee on Finance and Taxation.

By Senator Covington:

S. 232. To amend Section 11-43-4, Code of Alabama 1975, as amended, and to amend Section 11-43-45, Code of Alabama 1975, said sections relating to the election of officers in a municipality, so that vacancies may be filled by a majority vote of the members of the council, and all members of the council may vote to fill vacancies any provision of law notwithstanding.

Committee on Governmental Affairs.

By Senators Bennett, Goodwin, and Parsons:

S. 233. Relating to the boards of trustees of certain State institutions of higher education; to add an additional three members from the state-at-large to the board of trustees of the Alabama Agricultural and Mechanical

University, otherwise known as Alabama A & M, and to provide for the classification of the trustees to allow staggered terms of office; to add an additional three members from the state-at-large to the board of trustees of Alabama State University, and to provide for the classification of the trustees to allow staggered terms of office; to add an additional three members from the state-at-large to the board of trustees of the University of North Alabama, and to provide for the classification of the trustees to allow staggered terms of office; to add an additional three members from the state-at-large to the board of trustees of Jacksonville State University, and to provide for the classification of the trustees to allow staggered terms of office; to add an additional three members from the state-at-large to the board of trustees of Livingston University, and to provide for the classification of the trustees to allow staggered terms of office; to add an additional three members from the state-at-large to the board of trustees of the University of Montevallo, and to provide for the classification of the trustees to allow staggered terms of office; to add an additional three members from the state-at-large to the board of trustees of the University of South Alabama, and to provide for the classification of the trustees to allow staggered terms of office; to add an additional three members from the state-at-large to the board of trustees of Troy State University, and to provide for the classification of the trustees to allow staggered terms of office; and to provide severability and effective dates.

Committee on Education.

By Senator Parsons (With Notice and Proof):

S. 234. Relating to Jefferson County; providing for the salary of the Assistant Tax Collector payable from the County General Fund.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 234, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Smith (J), Cooley, Barron, and Smith (B):

S. 235. To amend Sections 16-49-26 and 16-49-27, Code of Alabama 1975, which provide for the meetings and quorum of the Board of Trustees of Alabama Agricultural and Mechanical University, so as to provide further for said meetings and quorum.

Committee on Education.

By Senator Parsons (With Notice and Proof):

S. 236. Relating to Jefferson County; providing for the salary of the Assistant Tax Assessor payable from the County General Fund.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 236, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Parsons (With Notice and Proof):

S. 237. Relating to Jefferson County; providing for an expense allow-

ance for the Assistant Tax Assessor payable from the County General Fund and for an expiration date.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 237, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hilliard:

S. 238. To provide that prior creditable service as a district or circuit judge may be counted toward retirement as a probate judge provided the contributions to the judicial retirement fund as a district or circuit judge are transferred or credited to the probate judges' account with the judicial retirement fund.

Committee on Finance and Taxation.

By Senator Parsons (With Notice and Proof):

S. 239. Relating to Jefferson County; providing for an expense allowance for the Assistant Tax Collector payable from the County General Fund and for an expiration date.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 239, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Hilliard, Sanders, Figures, Pearson, and Langford:

S. 240. To amend Section 1-3-8 of the Code of Alabama 1975, relating to state holidays, so as to create as a state holiday the birthday of Martin Luther King, Jr., to be observed on the third Monday in January.

Committee on Governmental Affairs.

By Senator Parsons:

S. 241. To amend Section 40-18-19 of the Code of Alabama 1975, as amended, relating to exemptions from state income taxes, so as to provide further for such exemptions.

Committee on Finance and Taxation.

By Senator Bennett:

S. 242. To amend Section 25-5-1, Code of Alabama 1975, relating to definitions for the state workmen's compensation laws (Chapter 5, Title 25, Code of Alabama 1975), so as to include within the terms "employee" and "workmen" the employees of Tannehill furnace and foundry commission, so that such employees would be covered by workmen's compensation.

Committee on Business and Labor
Relations.

By Senators Bedford, Barron, Foshee, Covington, Cooley, and Menton:

S. 243. To exempt The King's Ranch in Shelby County, Alabama,

from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Senator Bennett:

S. 244. To provide that support shall be ordered paid directly to the Department of Pensions and Security or its designee in any case where the Department has been subrogated to the rights of a child or other person to collect and receive support payments from the obligor, including but not necessarily limited to those instances in which the child or other person is receiving Aid to Dependent Children, Aid to Families with Dependent Children or has otherwise made application for collection services through the Department pursuant to Title IV-D of the Social Security Act and amendments thereto; provides for the distribution of monies collected; provides for notice to the court of the location and address where monies shall be received; provides for contracting with a designated party; provides that the record of collections shall constitute the official payment record, and shall be prima facie evidence of the payments made by the obligor.

Committee on Judiciary.

By Senator Cooley (With Notice and Proof):

S. 245. Relating to Cullman County; authorizing a procedure whereby the sheriff is authorized to offer for public auction to the highest bidder for cash abandoned and stolen personal property which has been recovered by the sheriff's department of the county and stored by said department but which has been unclaimed after six (6) months; providing that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two weeks in a newspaper of general circulation published in Cullman County, or by posting in a conspicuous place at the county courthouse; providing that the first publication or posting of said notice shall be twenty days before the said auction; providing a procedure for the conduct of said auction; providing that the owner of any of the abandoned or stolen property recovered and stored by the sheriff may redeem the same at any time prior to its sale by paying any reasonable storage or maintenance costs incurred and a pro rata cost of publication and further providing that after deducting and paying all expenses incurred in storing or auctioning the said property, all proceeds from the sale of said property shall be paid into the general fund of the county.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 245, as required in the General Acts of Alabama, 1975 Act No. 919.

MCDOWELL LEE,
Secretary.

By Senator Cooley (With Notice and Proof):

S. 246. Relating to Cullman County; to provide for a special recording fee on documents filed in the office of the judge of probate; to provide that such special recording fee be used for the purpose of acquiring and maintaining electronic data processing equipment for the office of the judge of probate.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill,

S. B. 246, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Cooley (With Notice and Proof):

S. 247. Providing full-time status for the associate county commissioners of Cullman County; providing certain salaries for such commissioners and prescribing realms of responsibility relating to the county road program for such commissioners.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 247, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Cooley (With Notice and Proof):

S. 248. Relating to Cullman County, to amend Sections 1 and 2 of Act No. 515, S. 755, 1977 Regular Session (Acts 1977, p. 681), which deals with "flea" markets operating on Sunday, so as to provide for nurseries and other businesses to operate on Sundays during certain business hours.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 248, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Cooley (With Notice and Proof):

S. 249. Relating to Cullman County; providing for the compensation of the sheriff, the judge of probate, the revenue commissioner, the coroner and the chairman of the county commission and providing a certain annual expense allowance for the court reporters of the thirty-second judicial circuit.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 249, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Cooley (With Notice and Proof):

S. 250. Relating to selling and redeeming lands for taxes in Cullman County, Alabama.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 250, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Cooley (With Notice and Proof):

S. 251. Relating to Cullman County; authorizing any town or municipality in said county to regulate the business hours of game and billiard rooms either by ordinance, rule or regulation or by license fees.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 251, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Bedford, Goodwin, Dial, Menton, Hilliard, Corbett, and Ellis:

S. 252. To require all persons born on or after October 1, 1971, and of 16 years of age or older to present certification of satisfactory completion of an approved hunter education course at the time of obtaining any annual or trip hunting license provided for in this chapter; to prohibit the issuance of any annual or trip hunting licenses to said persons without said certification; to prohibit hunting by persons born on or after October 1, 1971, and of 16 years of age or older pursuant to any lifetime Alabama hunting license without obtaining said certification; to prohibit the illegal or fraudulent obtaining of said certification; to allow promulgation of a license and/or certification revocation procedure; to allow the Department of Conservation and Natural Resources to prescribe a course of instruction and an instructor certification procedure, and to approve other courses; to provide penalties for violation of this act.

Committee on Agriculture,
Conservation, and Forestry.

By Senators Bedford, Bishop, Foshee, Covington, and Corbett:

S. 253. Relating to the further regulation of liquefied petroleum gas and the powers, duties and authority of the liquefied petroleum gas board and appointees and employees thereof; to amend Sections 9-17-100, 9-17-102, 9-17-103, 9-17-104, 9-17-105, 9-17-106 and 9-17-109 of the Code of Alabama 1975; and to provide penalties for violations.

Committee on Commerce,
Transportation, and Utilities.

By Senators Bedford, Goodwin, Dial, Smith (J), Hilliard, Corbett, and Ellis:

S. 254. To amend Section 9-2-107, Code of Alabama 1975, relating to the State Park Revolving Fund, so as to provide that up to 2% of said fund may be encumbered each year for use in major repair and maintenance service of land, buildings, and permanent equipment fixed assets; and capital improvements or alteration to land, buildings, or permanent equipment.

Committee on Finance and Taxation.

By Senator Teague:

S. 255. To reopen the State of Alabama retirement systems for certain military service; to provide that as a prerequisite to obtaining such credit, said members must be active and contributing members of any of the State of Alabama retirement systems; to provide for the payment by the members of such service; and to provide for its termination.

Committee on Military Affairs.

By Senator Hilliard:

S. 256. Relating to Civil Rights' History; creating a state agency known as the Alabama Institute of Civil Rights' History to be located in Birmingham; providing for a Board of Trustees; and prescribing the method of appointment, its duties and authorities, and providing for employees.

Committee on Judiciary.

By Senators Goodwin, Covington, Dial, Bedford, Aldridge, Bishop, Holmes, Hand, Cabaniss, Ellis, and Bennett:

S. 257. To amend Sections 13A-12-170, 13A-12-171, 13A-12-172, 13A-12-175, 13A-12-178, 13A-12-179, Code of Alabama, 1975, relating to the sale, exhibition, etc., of pornographic materials to minors; to define and prohibit the display, distribution and exhibition of pornography to minors; to provide for the enjoining of violations of this Act by the circuit courts; to provide for the extradition of persons charged with violations of this Act; to provide for the forfeiture of materials used in violation of this Act; to repeal Sections 13A-12-176 and 13A-12-177, Code of Alabama, 1975; and to provide severability and effective dates.

Committee on Judiciary.

By Senators Goodwin, Covington, Little, Bedford, Dial, Aldridge, Bishop, Holmes, deGraffenried, Hand, Cabaniss, Strong, Ellis, and Bennett:

S. 258. To amend Code of Alabama 1975, §§13A-12-190 through 13A-12-197, relating to child pornography, in order to further define and prohibit child pornography and to further provide for the trial of cases involving it; to specify the cases these amendments apply to; to provide that the provisions of this act are severable; and to provide an effective date.

Committee on Judiciary.

By Senators Goodwin, Covington, Aldridge, Cooley, Holmes, deGraffenried, Hand, Dial, Cabaniss, Ellis, and Bennett:

S. 259. To define and set the punishment for the crimes of: unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeitures and seizures; to amend Code of Alabama 1975, §§ 20-2-2, 20-2-32, 20-2-72, 20-2-80, 20-2-81, and 20-2-93; to provide for the incorporation of Act No. 82-426, "The Imitation Controlled Substances Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Code of Alabama 1975, §§ 20-2-70, 20-2-73, 20-2-75, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and, to provide an effective date.

Committee on Judiciary.

By Senators Goodwin, Cooley, Holmes, deGraffenried, Hand, Dial, Cabaniss, and Ellis:

S. 260. To further provide for criminal procedure and to prescribe the conditions for the issuance of warrants for night time searches and seizures;

and to repeal Sections 15-5-8 and 15-5-12 of the Code of Alabama 1975, and all other conflicting laws relating to the issuance of warrants.

Committee on Judiciary.

By Senators Foshee, Goodwin, Covington, Smith (J), Cooley, Holmes, deGraffenried, Hand, Cabaniss, Ellis, and Bennett:

S. 261. To provide for court ordered continuing income withholding by employers as a discretionary judicial means of enforcing restitution orders in criminal cases; to provide further that after notice and hearing such income withholding orders may also be issued for the enforcement of previously ordered restitution obligations which are delinquent; to provide further that other income or assets may be attached for the enforcement of restitution orders; to provide further that any court order requiring the withholding or attachment of assets or income may be modified or rescinded on certain conditions; to provide further for service of court orders withholding income or attaching assets; to provide further for service by certified mail, return receipt requested and for the taxing of costs of such service; to provide further that income withholding orders or orders attaching assets shall take precedence over subsequently issued garnishments or writs except as the same applies to the support of any dependent children of the defendant; to provide that no employer may discharge or refuse to hire a person solely because of such order; and to provide that any person who refuses to comply with the order may be deemed to be in contempt of court and liable to the victim for amounts not withheld; and to provide for legislative findings, policy, and judicial construction.

Committee on Judiciary.

By Senators Bedford, Goodwin, Denton, Foshee, Covington, Cooley, Menton, Corbett, Little, Dial, Ellis, Hand, Cabaniss, and Bennett:

S. 262. To amend § 36-30-2, Code of Alabama 1975, so as to raise the compensation amount from \$10,000.00 to \$20,000.00 paid to dependents of peace officers or firemen killed in the performance of duty.

Committee on Judiciary.

By Senators Bedford, Goodwin, Foshee, Covington, Cooley, Menton, Little, Dial, Hand, Ellis, Cabaniss, and Bennett:

S. 263. To amend Section 15-19-1 Code of Alabama 1975, which relates to crimes committed by a minor, so as to provide that a person charged with a capital offense or class A felony is not eligible to be tried as a youthful offender.

Committee on Judiciary.

By Senators Bedford, Smith (J), Dial, Goodwin, Foshee, Barron, Little, Menton, Cooley, Hand, Bennett, Amari, Drinkard, Covington, Holmes, Strong, Ellis, and Cabaniss:

S. 264. To amend the definitions contained in § 13A-10-30 [in the criminal code article on escape and related crimes] to provide that the failure of an inmate to remain within the limits of his confinement extended pursuant to any work release, trustee, furlough, leave, or pass program or to return within the time prescribed pursuant to such program to the place of confinement is an escape from custody and punishable as such; to provide that the restraint or detention aspect of custody for purposes of escape can be either actual or constructive; to define escape; to specify the conduct to which this act applies; to repeal all conflicting laws or parts of laws insofar

as they apply to conduct occurring after the effective date of this act; and to provide an effective date.

Committee on Judiciary.

By Senators Bennett, Goodwin, Amari, and Strong:

S. 265. To amend Section 12-15-34, Code of Alabama 1975, so as to provide that a child 14 or more years of age may be transferred by the juvenile court for criminal prosecution as an adult for any crime; to provide that the finding of probable cause at the transfer hearing in the juvenile court may preclude the necessity for a further probable cause hearing in the criminal court; to provide that the criminal court may exercise any authority over the child, once transferred, that is otherwise applicable to adult offenders; to provide that transfer to the criminal court terminates jurisdiction of the juvenile court over such child with respect to any pending or subsequent criminal acts upon conviction in the adult court; and, to provide an effective date.

Committee on Judiciary.

By Senators Bailey, Goodwin, Smith (J), Foshee, Drinkard, and Corbett:

S. 266. To provide for an appeal by the State of Alabama in criminal cases from a decision, order, or judgment of the trial court in certain instances; to provide the procedures applicable to such appeals; and to provide how such appeals are to be governed.

Committee on Judiciary.

By Senators Bailey, Goodwin, Smith (J), Foshee, Drinkard, and Corbett:

S. 267. To provide that a conviction from any other jurisdiction which is based on a nolo contendere, "no contest," or any similar plea, shall have the same status, effect, and admissibility in this State as any other conviction; to specify the trials, proceedings, and other matters to which this Act applies; to repeal conflicting laws; to provide for severability; and to provide an effective date for this Act.

Committee on Judiciary.

By Senators Little, Goodwin, Bedford, Smith (J), Bedsole, Strong, Holmes, Menton, Foshee, and Covington:

S. 268. To provide a test for determining whether a person is not guilty by reason of insanity; to establish that a defendant has the burden of proving insanity; to amend Code of Alabama 1975, Section 13A-3-1; to specify the conduct to which this act applies; and to provide for an effective date.

Committee on Judiciary.

By Senators Denton and Goodwin:

S. 269. To amend Section 9-11-257, Code of Alabama 1975, as last amended, relating to hunting within 100 yards of roads, highways, or railroads without permission from an adjacent landowner, so as to prohibit any person, except a duly authorized law enforcement officer acting in the line of duty or person otherwise authorized by law, to hunt or discharge any firearm from, upon, or across any public road, public highway, or railroad, or their rights-of-way, logging railroads excepted; and to further prohibit any person to hunt within 100 yards of a public road, public highway, or railroad, or their rights-of-way, logging railroads excepted, with rifle or shot-

gun using slug or shot larger than standard number four in size, and to provide penalties for the violation thereof.

Committee on Agriculture,
Conservation, and Forestry.

By Senators Parsons, Goodwin, Bennett, Little, Bedford, Smith (B), Strong, Corbett, Bailey and Bedsole:

S. 270. To provide a Crime Victims Compensation Commission, procedures relating to their appointment, terms, compensation, powers and duties; to provide provision for office, support, staff and secretarial services of such commission; to provide for awards for compensation, for economic loss under certain circumstances to qualified applicants; to provide for the limiting of awards under certain circumstances; to provide restrictions for Commission authority as to claimant and possible collateral source benefits; to provide for medical examination requirements including limited waiver of physician-patient privilege; to provide award without requirement of prosecution or conviction of any individual; to provide procedures for subrogation rights; to provide for special types of awards procedures; to provide for annual reports and their distribution; to provide further for audits of the Commission; to provide further for surety bond of members, agents and employees; to provide further for the Alabama Crime Victims Compensation Fund and payments thereto by certain persons; to provide further for the taxing or assessing of additional court costs, assessments or penalties; to provide further for the exemption of compensation from state or municipal taxation and certain writs of garnishment or attachment; to provide further for discretionary contributions by county and municipal governments; to provide further for certain persons to be ineligible for compensation; to provide further for criminal penalties to be attached to certain acts by members, agents, or employees of the Commission; to provide further for other criminal penalties in regard to claimants and other persons who perform certain acts or omissions; to provide further for other criminal penalties for persons who perform certain acts in regard to monies or securities of the Commission held in trust or otherwise; and to provide further for other criminal penalties in regard to false claims.

Committee on Judiciary.

By Senators Goodwin, Bennett, Barron, Bedsole, Smith (J), Covington, Little, Ellis, and Corbett:

S. 271. To make the illegal possession of food stamps a criminal offense and to prescribe the punishment for the commission of such crime.

Committee on Judiciary.

By Senators Smith (J), Goodwin, Dial, Foshee, Barron, Little, Cooley, Hand, Bennett, Amari, Drinkard, Covington, Strong, Bedsole, Aldridge, and Bailey:

S. 272. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said minimum term; and to amend Section 15-22-50, Code of Alabama 1975, which imposes a maximum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said maximum term.

Committee on Judiciary.

By Senators Smith (J), Goodwin, Holmes, Dial, Foshee, Barron, Little,

Menton, Cooley, Hand, Bennett, Amari, Drinkard, Covington, Strong, Bedsole, Aldridge, and Bailey:

S. 273. To amend Code of Alabama 1975, § 22-1-11, relating to Medicaid Fraud, in order to clarify certain elements of the crime; and to provide an effective date.

Committee on Judiciary.

By Senators Smith (J), Goodwin, Dial, Foshee, Barron, Little, Menton, Cooley, Hand, Bennett, Amari, Drinkard, Covington, Holmes, Strong, Bedsole, Aldridge, and Bailey:

S. 274. To amend Section 22-50-22, Code of Alabama 1975, which exempts the superintendent of, or a physician of, the mental health board from being a witness in certain cases, so as to permit depositions to be taken by the state of the superintendent or any physician of a state mental health facility or hospital in criminal proceedings, upon proper notice.

Committee on Judiciary.

By Senators Smith (J), Goodwin, Dial, Foshee, Barron, Little, Menton, Cooley, Hand, Bennett, Amari, Drinkard, Covington, Holmes, Strong, Bedsole, Aldridge, and Bailey:

S. 275. To amend §15-22-27 to provide that an inmate whose death sentence was imposed under a statute providing life imprisonment without parole as an alternative punishment for the capital offense shall serve a sentence of life imprisonment without parole if his death sentence is so commuted by the Governor; and to specify the sentences to which this Act applies; to provide what shall be the effect of any holding that such a limitation on parole is ineffective or invalid; and to specify the effective date of this Act.

Committee on Judiciary.

By Senators Smith (J), Dial, Foshee, Barron, Little, Menton, Cooley, Hand, Bennett, Amari, Drinkard, Covington, Holmes, Strong, Bedsole, Aldridge, Bailey, and Goodwin:

S. 276. To amend Section 41-16-55, Code of Alabama 1975, which relates to penalties for violations of the state bid law on public contracts, so as to provide that a person who intentionally and knowingly participates in an agreement to bid at a certain price or to refrain from bidding on bids of over \$2,000, is guilty of a Class C felony and shall be punished as prescribed by law and that other violations of this section involving bids of \$2,000 or under shall be deemed a Class A misdemeanor, and shall be punished as prescribed by law.

Committee on Judiciary.

By Senator Figures:

S. 277. To amend Section 17-10-14, Code of Alabama 1975, relating to the absentee election manager so as to provide for an increase in compensation.

Committee on Finance and Taxation.

By Senator Hilliard:

S. 278. To amend Section 41-22-3 of the Code of Alabama 1975, relating to the Alabama Administrative Procedure Act, so as to redefine the

term "contested case" in order to exclude therefrom hearings or proceedings in which the Alabama Board of Pardons and Paroles considers the granting or denial of pardons, paroles, restoration of civil and political rights, or remission of fines or forfeitures and to further define the term "rule."

Committee on Judiciary.

By Senator Smith (J):

S. 279. To provide for the appointment and minimum qualifications for District Attorney's Investigators and to confer law enforcement powers upon District Attorney's Investigators.

Committee on Judiciary.

By Senator Bailey:

S. 280. To amend Section 40-23-4.1, Code of Alabama 1975, which provides a sales tax exemption for certain drugs, so as to provide further for such exemptions.

Committee on Buildings and Grounds.

By Senators Figures and Bedsole:

S. 281. This bill amends Section 17-4-134, Code of Alabama 1975, relating to voter registration so as to allow for the board of registrars to accept as an application for absentee registration by members of the armed services or their dependents, Department of Defense Post Card Application for Registration and Absentee Ballot.

Committee on Governmental Affairs.

By Senator Bailey:

S. 282. To amend Section 28-3A-25 of the Code of Alabama 1975, relating to unlawful acts and offenses and penalties for such under the alcoholic beverage licensing code, so as to provide further for such unlawful acts and offenses and penalties.

Committee on Judiciary.

By Senator Bailey:

S. 283. Relating to prescription drugs which are not controlled substances, to prohibit the sale of, giving away of, or furnishing of such drugs and prescribing penalties therefor.

Committee on Judiciary.

By Senator Goodwin:

S. 284. To make changes in the benefits available to public employees and relating to the Teachers' Retirement System of Alabama ("TRS"), the Employees' Retirement System of Alabama ("ERS") and the Judicial Retirement Fund of Alabama ("JRF"). To provide that any member of "ERS", not employed as a state policeman, who becomes a member before October 1, 1984, and any member of "TRS" who becomes a member before October 1, 1984, shall contribute at the rate of six percent (6%); to provide that any state policeman who becomes a member of "ERS" before October 1, 1984, shall contribute at the rate of twelve percent (12%); to provide that any member of "JRF" who becomes a member before October 1, 1984, shall contribute at the rate of eight percent (8%). To prescribe the rates of member contributions and benefit accruals under the "ERS", "TRS" and "JRF"

respecting any person who becomes a member of each said retirement system, on or after October 1, 1984. To eliminate the benefit provision for any spouse of a member of the "JRF" who becomes a member on or after October 1, 1984. To provide that the employer may "pick-up" the member's contribution to his retirement system for income tax purposes.

Committee on Finance and Taxation.

By Senator Little:

S. 285. To amend Section 36-17-3 of the Code of Alabama 1975, relating to the duties and functions of the state treasurer.

Committee on Governmental Affairs.

By Senator Bailey:

S. 286. To amend Section 16-13-52 of the Code of Alabama 1975 as amended, relating to average daily attendance by changing from the first four scholastic months to the first three scholastic months for determining average daily attendance in apportioning the minimum program fund.

Committee on Education.

By Senator Little:

S. 287. To amend Section 36-17-16 of the Code of Alabama 1975 so as to further provide for the destruction of cancelled state warrants.

Committee on Governmental Affairs.

RESOLUTION

Senator Holmes, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Langford, Little, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong, and Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 13. COMMENDING THE AUBURN UNIVERSITY TIGERS AS THE NUMBER ONE COLLEGIATE FOOTBALL TEAM IN AMERICA.

WHEREAS, Coach Pat Dye's Auburn University Tigers, Southeastern Conference Champions, finished their 1983 football season 11-1, following their Sugar Bowl victory over the University of Michigan; and

WHEREAS, Auburn's schedule, ranked by the NCAA as the most difficult in America, included nine of the post-season bowl teams, eight of whom suffered defeat at the hands of the Tigers; and

WHEREAS, War Eagle fans from coast to coast joined the New York Times in ranking Auburn University Number One, based on a computer analysis of team schedules which showed the Tigers beating teams with a combined winning percentage of .695, compared to .514 for AP's and UPI's top-ranked Miami, and .528 for the wire services' second place Cornhuskers; and

WHEREAS, further, it is the consensus of the Alabama Legislature that Auburn University is indeed the top collegiate team in the country, national champions in every sense of the title; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH

HOUSES THEREOF CONCURRING, That we hereby commend the Auburn University Tigers as the Number One collegiate football team in America.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Coach Pat Dye and his national champions with a copy also provided for Auburn University.

On motion of Senator Holmes, the Rules were suspended and the Resolution was adopted by the Senate.

INTERIM COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 83-792, S. J. R. 5, Third Extraordinary Session of 1983, the report of the Joint Legislative Committee to Study the Construction of a Legislative Office Building was read and ordered filed with the Secretary.

RESOLUTIONS

Senator Holmes offered the following Senate Joint Resolution, to-wit:

S. J. R. 14. REQUESTING THE GOVERNOR TO PROCLAIM THE WEEK OF MAY 7, 1984, AS ALABAMA SMALL BUSINESS WEEK.

WHEREAS, the President of the United States of America, by proclamation, designated the week of May 8 through May 14, 1983, as Small Business Week, in special tribute to the outstanding contributions of the small businesswomen and businessmen of this nation, with the official theme "There's No Business Like Small Business"; and

WHEREAS, there are more than 14 million small businesses, as defined by the Small Business Administration, in the United States, and many of these small businesses are in Alabama, employing approximately 790,000 Alabamians; and

WHEREAS, statistics of the federal government indicate that these small businesses account for 38 percent of the gross national product of the United States, create two out of every three new jobs, and produce two and one-half times as many innovations per employee as large firms; and

WHEREAS, the entrepreneurship and productivity of small businesswomen and businessmen constitute the vital core of the American free enterprise system; and

WHEREAS, the economic health of Alabama depends, in large measure, on the prospects of the state's small businesses; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and salute small business throughout the nation, most particularly those in Alabama, and the vitality of their free enterprise philosophy.

BE IT FURTHER RESOLVED, That we hereby request that the Governor proclaim the week of May 7, 1984, through May 15, 1984, inclusive, as Alabama Small Business Week, in special recognition of the contributions which small businesswomen and businessmen have made, and will continue to make, to our state.

RESOLVED FURTHER, That a copy of this resolution be forwarded to the Governor.

On motion of Senator Holmes, the Rules were suspended and the Reso-

lution was adopted by the Senate.

Senator Smith (J) offered the following Senate Resolution, to-wit:

S. R. 15. COMMENDING MR. GLEN WATSON OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO THE UNIVERSITY OF ALABAMA-HUNTSVILLE ATHLETIC PROGRAM.

WHEREAS, Mr. Glen Watson, owner and manager of three Stanlieo's Sub Villa restaurants in Huntsville, is one of that city's most prominent businessmen and an ardent supporter of the University of Alabama-Huntsville, most particularly the university's athletic program; and

WHEREAS, as a student at UAH, Mr. Watson was instrumental in the development of the rowing team, the school's first organized competitive sport; and

WHEREAS, Mr. Watson, since his student days, has remained steadfastly loyal to his alma mater and its athletic program, contributing generously, both through monetary means and through active involvement and support of all UAH sports; and

WHEREAS, as UAH's number-one fan, Mr. Watson's dedication to university athletics is unparalleled, and he has a record of continuing promotion of both men's and women's basketball, soccer, hockey and crew; and

WHEREAS, Mr. Watson is indeed a very rare and special individual who truly believes in his university's athletic program and such loyalty is reflected in his total involvement with all UAH sports; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we herein most highly commend Mr. Glen Watson of Huntsville, Alabama, for his numerous and outstanding contributions to the University of Alabama at Huntsville; we further join with the UAH athletic department and other University officials in expressing deep appreciation for Mr. Watson's support and direct that he receive a copy of this resolution, tendered in sincere praise and warmest regard.

Which was read and referred to the Standing Committee on Rules.

Senator Mitchem offered the following Senate Joint Resolution, to-wit:

S. J. R. 16. HONORING MR. JAMES W. (BILL) JOHNSON OF ALBERTVILLE, ALABAMA.

WHEREAS, the recent retirement of Mr. James W. (Bill) Johnson as general manager of the Albertville Municipal Utilities Board concluded a longtime career of 44 years in the utility business; and

WHEREAS, during the past 27 years in managerial capacity at MUB, Mr. Johnson has initiated and directed a number of aggressive and reorganizational programs, thereby establishing strong management controls and procedures which have resulted in significant national focus on the facilities as a model for excellence; and

WHEREAS, since 1957 when Mr. Johnson first joined MUB as manager, the Board has been the recipient of more than fifty awards, many of national scope, symbolizing success and achievement; and

WHEREAS, in addition to his career accomplishments, Mr. Johnson also is widely known and in great demand as a speaker throughout the Southeast; accorded the title, "Sand Mountain Philosopher," by the Chattanooga Times, his talks are a mixture of wit, motivation and inspiration and

include homespun poetry and philosophy; and

WHEREAS, Mr. Johnson, who was named Albertville Man of the Year in 1965, currently is a director of Central Bank of the South of Albertville, North Alabama Industrial Development Association, a past director of Central Service Association, Tupelo, Mississippi, and is a member also of numerous utility associations; he is a graduate of Snead College, attended the University of Chattanooga and holds a management certificate awarded by the University of Tennessee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of Mr. James W. (Bill) Johnson of Albertville, Alabama, for extraordinary achievement in numerous areas of endeavors; we further express sincere praise of his outstanding career, wish him every happiness and future success in retirement, and direct that he receive a copy of this resolution evidencing our esteem.

Which was read and referred to the Standing Committee on Rules.

Senator Mitchem then offered the following Senate Joint Resolution, to-wit:

S. J. R. 17. COMMENDING MR. VELPO MABREY OF GUNTERSVILLE, MARSHALL COUNTY, ALABAMA.

WHEREAS, the January 1, 1984, retirement of Mr. Velpo Mabrey brought to a close a prestigious tenure of some 14 years in managerial association with Alabama's multi-million dollar Lake Guntersville State Park; and

WHEREAS, in 1970 when Mr. Mabrey was appointed manager of the park, which was then under construction, he was to hold the unique position of becoming general manager of the first and only state-operated lodge and convention center; and

WHEREAS, Mr. Mabrey, who attended both Vanderbilt University and the University of Alabama where he majored in Business Administration, also completed the University of Georgia's continuing education course on Park Administration in 1973; his dedicated efforts on behalf of the Guntersville Park are further evidenced through visits he made to Oklahoma and Kentucky, on his own time and at his own expense, to study the operation of their state parks; and

WHEREAS, Mr. Mabrey has also served as president of the Alabama Motel Association, the Alabama Mountain-Lakes Association, the Guntersville Chamber of Commerce and the Guntersville Civitan Club; he is a Sunday School teacher of the men's class of the first Methodist Church and serves as well as chairman of the church's pastoral relations committee; and

WHEREAS, prior to his position with the 5835-acre State Park, Mr. Mabrey was employed variously with a Florida paper mill, the Alabama State Health Department, with Commercial Carriers and the cotton mill in Guntersville, and with Val-Monte resort; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby highly commend Mr. Velpo Mabrey of Guntersville on his numerous outstanding accomplishments; we most particularly praise the achievements of Mr. Mabrey's tenure with Guntersville State Park and direct that he receive a copy of this resolution in token of our sincere regard.

Which was read and referred to the Standing Committee on Rules.

Senator Mitchem then offered the following Senate Joint Resolution, to-wit:

S. J. R. 18. DESIGNATING THE FOURTH WEEK IN APRIL, ANNUALLY, "PUBLIC SCHOOL WEEK" IN ALABAMA.

WHEREAS, public schools are the keystone for the propagation and perpetuation of our democracy; and

WHEREAS, public schools determine the extent of enlightenment and acknowledge of our citizens; and

WHEREAS, public schools provide equal opportunity for development of every citizen; and

WHEREAS, almost 800,000 children attend public schools in grades kindergarten through twelve in the State of Alabama; and

WHEREAS, the value of public schools has not been properly recognized by a complacent citizenry; and

WHEREAS, an expression of gratitude is overdue for our public school officials and the staff of well-trained, dedicated teachers and administrators throughout the Alabama public school system; and

WHEREAS, the Ancient and Accepted Scottish Rite of Freemasonry favors an enlightened citizenry through the American public schools; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That beginning in 1984 and annually thereafter, the fourth week of April is hereby designated "Public School Week" in Alabama.

BE IT FURTHER RESOLVED, That "Public School Week," sponsored by the Ancient and Accepted Scottish Rite of Freemasonry, shall be coordinated through the State Department of Education and involve to the maximum extent every school and community in the State of Alabama, wherein proper recognition shall be given to the history, purpose, and accomplishments of Alabama Public Schools.

Which was read and referred to the Standing Committee on Rules.

MOTION IN WRITING

Senator Pearson offered the following Motion in Writing, to-wit:

MOTION IN WRITING

Notice in Writing having been given on the previous legislative day, motion is now made to amend the Senate Rules as follows:

Amend Senate Rule 51 (20) by striking the words and figures "eight (8)" in the last sentence and substituting in lieu thereof the words and figures "six (6)".

On motion of Senator Pearson, the Rules were suspended and the Motion in Writing was adopted.

BILLS ON THIRD READING

The Bill:

S. 68. To authorize the Clerk of the House and the Secretary of the Senate to appoint certain full-time and part-time legislative security officers for their respective jurisdictions; to prescribe the training and qualifications, the compensation, powers and duties of such officers; to provide and to prescribe the benefits for such officers.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Senators:	Cooley	Ellis	Little	
Aldridge	Corbett	Foshee	Parsons	
Amari	Covington	Goodwin	Smith (B)	
Bedsole	deGraffenried	Hand	Smith (J)	
Bishop	Denton	Holmes	Strong	
Cabaniss	Dial	Langford	Teague	—23

Nays: —0

The Bill:

S. 134. Relating to contractors; to require out-of-state contractors to register and file either a deposit or surety bond as well as a list of personal property involved in a construction project in Alabama upon which use and ad valorem taxes are due and payable; to provide for the payment of such taxes; and to provide for the return of the deposit or surety bond posted.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Smith (B)	
Aldridge	Covington	Hand	Smith (J)	
Bedsole	deGraffenried	Holmes	Strong	
Bennett	Denton	Little	Teague	
Cooley	Foshee	Parsons		—18

Nays: —0

The Bill:

S. 135. Relating to contracts and contractors; to give preference to resident contractors who bid on public work projects except where federal funds are involved.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 1.

Yeas:

Senators:	Bennett	Corbett	Denton
Aldridge	Cabaniss	Covington	Drinkard
Bedsole	Cooley	deGraffenried	Foshee

Hilliard	Mitchem	Smith (B)	Strong	
Holmes	Parsons	Smith (J)	Teague	
Little				—20

Nay:
Senator Bailey —1

The Bill:

S. 78. Providing for the termination of parental rights and responsibilities of parents who are unable or unwilling to discharge their responsibilities to and for the child; providing certain definitions; enumerating the circumstances to be considered by the court in cases where such rights and responsibilities are sought to be terminated; providing for the procedure to be followed in termination cases; providing for the disposition of such cases; and providing for periodic review of the circumstances of certain children.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Senators:	Cooley	Drinkard	Langford	
Aldridge	Corbett	Ellis	Parsons	
Bailey	Covington	Foshee	Sanders	
Bedsole	deGraffenried	Hand	Smith (B)	
Bennett	Denton	Hilliard	Smith (J)	
Bishop	Dial	Holmes	Strong	
Cabaniss				—24

Nays: —0

RESOLUTION

Senators Parsons, Aldridge, Cooley, Amari, Cabaniss, Bennett, Bailey, Barron, Bedford, Bedsole, Bishop, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Little, Menton, Mitchem, Pearson, Sanders, Smith (B), Smith (J), Strong, and Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 19. COMMENDING MR. THERMON PHILLIPS, A DISTRICT DIRECTOR OF U. S. STEEL.

WHEREAS, the June 1982 closing of U. S. Steel's Fairfield plant dealt a crushing blow to the economy of Jefferson County with reverberations felt statewide; unemployment reached record highs following U. S. Steel's production shutdown; and

WHEREAS, in late 1983, however, as signs of a recovering economy signaled hope for the unemployed, there were indications that U. S. Steel was considering reopening operations at the Fairfield plant; and

WHEREAS, it is to be noted with deep appreciation that Mr. Thermon Phillips, Director of U. S. Steel Works District 36, played an instrumental role in the discussions and negotiations relative to resumption of production at Fairfield; and

WHEREAS, Mr. Phillips worked diligently with Governor George Wallace, with Mr. C. B. Rich and other involved individuals to successfully reach an agreement to reopen, which decision was announced on December

24, 1983; and

WHEREAS, as a result of his sincere and cooperative efforts, reopening of the plant has provided 3500 jobs with the first steel produced February 12, 1984; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep and sincere appreciation, we hereby most highly commend Mr. Thermon Phillips of U. S. Steel and direct that a copy of this resolution be forwarded to him in small token of our utmost esteem.

On motion of Senator Parsons, the Rules were suspended and the Resolution was adopted by the Senate.

Yeas 23; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Little	
Aldridge	deGraffenried	Goodwin	Parsons	
Bedsole	Denton	Hand	Sanders	
Bennett	Dial	Hilliard	Smith (B)	
Cabaniss	Drinkard	Holmes	Smith (J)	
Cooley	Ellis	Langford	Strong	—23

Nays: —0

BILLS ON THIRD READING RESUMED

The Bill:

S. 27. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama State Board of Social Work Examiners as provided in Sections 34-30-50 through 34-30-58, Code of Alabama 1975, and the legislature's concurrence thereof.

was taken up.

The Standing Committee on Governmental Affairs reported the following substitute, to the Bill, S. B. 27, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 27

A BILL TO BE ENTITLED AN ACT

Relating to the existence and functioning of the state board of Social Work Examiners provided for in Section 34-30-50, et seq. of the Code of Alabama 1975, amends Section 34-30-29 so as to specify the period of time for continuing supervision of licensed bachelor social workers and amends Section 34-30-56 so as to require publications of notice of meetings.

Be It Enacted by the Legislature of Alabama:

Section 1. The board of Social Work Examiners, created by Section 34-30-50 of the Code of Alabama 1975 [Acts 1977, No. 652, p. 1102, §8] is hereby continued.

Section 2. Section 34-30-29 is hereby amended as follows:

"§ 34-30-29. Effective January 1, 1984, and thereafter, Each person licensed under this chapter as a licensed bachelor social worker must receive

who has received two years or more of continuing supervision from a licensed graduate social worker or a licensed certified social worker in order to may engage in the practice of social work; without further supervision as long as this person remains in their same type of social work practice.

Section 3. Section 34-30-56 is hereby amended as follows:

“§ 34-30-56. The board of Social Work Examiners shall organize upon appointment and qualification of its members, and shall elect annually from its membership a chairman, a vice-chairman and a secretary. The board shall meet twice each year and as frequently as it deems necessary at such times and places as the board designates. Additional meetings may be held upon call of the chairman or upon the written request of four members of the board. Four members of the board shall constitute a quorum. All members of the board must be notified in writing at least five days prior to all meeting dates. All such board meetings shall be open to the public and appropriate public notice shall be made.”

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 16; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Parsons	
Aldridge	Cooley	Hand	Smith (B)	
Amari	Corbett	Langford	Smith (J)	
Bedsole	deGraffenried	Little	Strong	
Bennett				—16

Nays: —0

The President Pro Tempore declared a quorum present but not voting.

And said Bill, S. B. 27, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Hand	Parsons	
Amari	Denton	Hilliard	Smith (B)	
Bedsole	Dial	Holmes	Smith (J)	
Bennett	Ellis	Little	Strong	
Cooley	Foshee	Menton		—18

Nays: —0

The Bill:

S. 79. To amend Section 17-16-6, Code of Alabama 1975, which relates to the time and place for holding primary elections, except special primary elections and presidential preference primaries, so as to provide that pri-

mary elections shall be held on the first Tuesday in June, and a runoff election, if necessary, shall be held on the fourth Tuesday thereafter, effective June 5, 1984, and thereafter.

was taken up.

Senator Smith (J) offered the following amendment to the Bill, S. B. 79, to-wit:

AMENDMENT TO S. B. 79

Amend Senate Bill No. 79 Page 1 Line 24, by striking out the number "1984" and by inserting in lieu thereof the number "1985"

and

on page 2, line 10 by striking out the number "1984" and by inserting in lieu thereof the number "1985"

Which was adopted.

Yeas 19; Nays 5.

Yeas:

Senators:	Cooley	Ellis	Menton	
Bailey	Corbett	Figures	Parsons	
Bedford	deGraffenried	Holmes	Sanders	
Bennett	Denton	Langford	Smith (J)	
Bishop	Drinkard	Little	Teague	—19

Nays:

Senators:	Bedsole	Dial	Hand	
Aldridge	Cabaniss			—5

Senator Figures offered the following amendment to the Bill, S. B. 79, as amended, to-wit:

AMENDMENT TO S. B. 79, AS AMENDED

Amend Senate Bill No. 79 Page 1 Line 9, by striking out the word June after the word "in" and inserting in lieu thereof the word "August"

Further amend on line 22 by striking out the word "June" and inserting in lieu thereof the word "August"

Further amend on line 32 by striking out the word "June" and inserting in lieu thereof the word "August"

On motion of Senator Langford, said amendment was laid on the table.

Senator Figures then offered the following amendment to the Bill, S. B. 79, as amended, to-wit:

AMENDMENT TO S. B. 79, AS AMENDED

Amend Senate Bill No. 79 Page 1 Line 22, by striking out First Tuesday in June after the word "the" and insert in lieu thereof the Second Tuesday in July

Further amend on line 23 by striking out the language "the Fourth Tuesday" after the word "on" and insert the following language in lieu thereof,

"the First Tuesday in August"

and further amend on line 24 by striking the language "June 5, 1984" and inserting in lieu thereof the language,
the Second Tuesday in July, 1985.

and further amend on line 31 by striking the word "first" after the word "the" and insert in lieu thereof the word "second"

and further amend on line 32 by striking the word "June" and inserting in lieu thereof the word "July"

and further amend on line 34 by striking the word "fourth" and inserting in lieu thereof the word "first"

and further amend on page 2 line 1 by inserting the following language after the word "next",

"of the next month"

On motion of Senator Langford, said amendment was laid on the table.

Yeas 12; Nays 7.

Yeas:

Senators:	Dial	Foshee	Smith (J)	
Bedford	Drinkard	Holmes	Strong	
Bennett	Ellis	Langford	Teague	
deGraffenried				—12

Nays:

Senators:	Cabaniss	Figures	Little	
Bedsole	Cooley	Hand	Sanders	—7

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 14. Relative to a joint session to be held February 9, 1984, for the purpose of hearing the message of the Governor.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF S. B. 79

The Senate proceeded to further consideration of the Bill, S. B. 79, as amended.

RESOLUTION

Senator Amari offered the following Senate Resolution, to-wit:

S. R. 20. COMMENDING MR. AND MRS. ELTON WINFIELD SCOTT ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

WHEREAS, The Alabama Senate notes with pleasure the 60th wedding anniversary, on February 22, 1984, of Mr. and Mrs. Elton Scott of Roebuck, Alabama; and

WHEREAS, Elton Winfield Scott and his lovely bride Miss Gladys Louise Roper, were united in marriage on February 22, 1924, in Thomas, Alabama, and have remained in said holy state for the past 60 years; and

WHEREAS, they have lived their lives as one and, in devotion each to the other, have remained steadfastly faithful to their marriage vows, setting an enviable example for others; and

WHEREAS, Mr. Scott, a retired railroad man, and Mrs. Scott, who also is retired, are currently active in membership at East Lake United Methodist Church; Mr. Scott is a Master Mason and both members of Eastern Star as well as a number of other civic and community organizations; and

WHEREAS, Mr. and Mrs. Scott are the parents of three children — Thomas Elton and Harold Winfield Scott, and Joyce Louise Scott Runyan; they also have two wonderful granddaughters and two fine great grandchildren; now therefore,

BE IT RESOLVED BY THE ALABAMA SENATE, That we join with family and friends in congratulating this exemplary Jefferson County couple, Mr. and Mrs. Elton W. Scott; we further wish them many more happy years together and direct that they receive a copy of this resolution, expressing our sincere best wishes for every future happiness together.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Bryant and Cosby:

H. J. R. 30. DESIGNATING THE BELOIT COMMUNITY AS THE RECYCLE CAPITAL OF ALABAMA.

WHEREAS, the Beloit Community Organization, Inc., first founded some ten years ago as a ladies organization known as the "Help Self-Help Others Club," continues a number of worthwhile projects begun by its parent group, most particularly that of recycling on an organized and regular basis; and

WHEREAS, this original project has grown and extended into a number of areas which now include the conversion of throw-away items into useful articles which are in turn sold as a fund raising project; and

WHEREAS, during the past seven years, the club membership, which now includes men as well as women, has recycled tons of copper, scrap iron, paper, aluminum and glass, and has made from scraps hundreds of items for sale including quilts, pillows, aprons and egg carton baskets; and

WHEREAS, the club also sponsors a successful Recycle Day, a joint community-county Clean-up Week and a Clean-up or Recycle Month; both

collection and storage sites have been established to more efficiently work toward the organization's goal of a cleaner and more beautiful county and in keeping with the theme "Waste Not Want Not"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in highest commendation of the leadership efforts and achievement of the Beloit Community Organization, Inc., in the area of recycling, we hereby name and designate the Community of Beloit as the Recycle Capital of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Finis Harris, president, on behalf of the Club's membership and in testimony to this honorary designation of the Alabama Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution H. J. R. 30, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Grouby, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby:

H. J. R. 27. NAMING THE BRIDGE ACROSS LITTLE MULBERRY CREEK ON HIGHWAY 14 AT STATESVILLE, AUTAUGA COUNTY, ALABAMA, THE "BILL NICHOLS BRIDGE".

WHEREAS, though a native of Mississippi, U. S. Congressman Bill Nichols has been a resident of Sylacauga, Alabama, since infancy and is a graduate of Sylacauga High School; and

WHEREAS, as a student at Auburn University where he excelled both academically and athletically, Congressman Nichols earned a football scholarship, lettering for three years, and captained the 1940 team; he was extended membership in three honorary fraternities—Blue Key, Gamma Sigma Delta and Scabbard and Blade—and earned the B. S. and Master's degrees in 1939 and 1940, respectively; and

WHEREAS, Congressman Nichols declined a pro football contract to accept instead a position as the assistant county farm agent in Autauga County, but his planned career in agriculture, in keeping with his academic

background, was interrupted by World War II; and

WHEREAS, in 1947, retired with the rank of captain and the recipient of the Bronze Star and the Purple Heart for distinguished service in combat, Bill Nichols returned to Sylacauga to enter private business and to become highly successful as a corporate executive; and

WHEREAS, Congressman Nichols, prior to his 1966 election to the U. S. House of Representatives, served in both the House and Senate of the Alabama Legislature where he earned the respect of his colleagues and constituents and was named by the Capitol Press Corps as "The most outstanding member of the Alabama Senate" in 1965; and

WHEREAS, during his first term in Washington, Congressman Nichols served on the House Agriculture Committee but, in 1968, he petitioned and received a seat on the House Armed Services Committee and has risen to a leadership position on the prestigious committee; and

WHEREAS, from the 90th Congress to the present 98th Congress, Bill Nichols' contributions to his district, state and nation have distinguished him as a true patriot and a leader among men; he has kept faith with the citizens of Alabama and, in appreciation, it is their desire that he be recognized for such extraordinary accomplishment on their behalf; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute and in deep gratitude, we hereby name and designate the bridge across Little Mulberry Creek on Highway 14 at Statesville, Autauga County, Alabama, the "Bill Nichols Bridge."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said bridge as the "Bill Nichols Bridge."

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Congressman Nichols as a memento of this honorary designation of the Alabama Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 27, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Drake, Clark (J.), Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta,

Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby:

H. J. R. 23. MOURNING THE DEATH OF FORMER STATE REPRESENTATIVE IRA DRAYTON PRUITT OF LIVINGSTON, ALABAMA.

Also:

By Rep. Richardson:

H. J. R. 28. COMMENDING PISGAH HIGH SCHOOL'S CHAMPIONSHIP FOOTBALL TEAM.

Also:

By Rep. Richardson:

H. J. R. 29. COMMENDING THE CITIZENS OF STEVENSON, ALABAMA, ON THE RESTORATION AND PRESERVATION OF THE STEVENSON RAILROAD MUSEUM.

Also:

By Reps. Gaston and Kvalheim:

H. J. R. 31. MOURNING THE DEATH OF MR. OLAF A. SYLTIE OF MOBILE, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 23, 28, 29, and 31, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MOTION IN WRITING

Senators Little, Bishop, Mitchem, Parsons, Cooley, Denton, Aldridge, Foshee, and Teague offered the following Motion in Writing, to-wit:

MOTION IN WRITING TO AMEND RULES

Pursuant to the notice in writing previously given, I hereby move that the Senate adopt the following new Rule 80:

Rule 80. All salary, expense allowances or other increases in compensation or benefits of any form whatsoever of members of the legislature shall only be passed by a roll call recorded vote.

Which was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. B. 79

The Senate proceeded to further consideration of the Bill, S. B. 79, as amended.

ADJOURNMENT

At 4:40 P.M. on motion of Senator deGraffenried, pending further consideration of S. B. 79, the Senate adjourned until Thursday, February 16,

REGULAR SESSION
3rd Day

105

1984, at 11 o'clock A.M.

Yeas 19; Nays 2.

Yeas:

Senators:	Cooley	Figures	Menton	
Bailey	Covington	Goodwin	Sanders	
Bedford	deGraffenried	Hand	Smith (B)	
Bedsole	Denton	Hilliard	Strong	
Bennett	Ellis	Langford	Teague	—19

Nays:

Senators:	Amari	Cabaniss	—2
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**FOURTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 16, 1984**

The Senate met pursuant to adjournment, President Pro Tempore Teague presiding.

PRAYER

The Session was opened with prayer by the Reverend Julian Talley, Minister, First Independent Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Cabaniss	Ellis	Little
Aldridge	Cooley	Figures	Menton
Amari	Corbett	Foshee	Parsons
Bailey	Covington	Goodwin	Sanders
Barron	deGraffenried	Hand	Smith (B)
Bedford	Denton	Hilliard	Smith (J)
Bedsole	Dial	Holmes	Strong
Bennett	Dixon	Langford	Teague
Bishop			

—32

JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

MAC PARSONS,
Vice-Chairperson.

COMMITTEE REPORT

On motion of Senator Parsons, the foregoing report was concurred in and the Journal of the Senate for the Third Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Drinkard, Mitchem, and Pearson for today.

**REPORT OF
COMMITTEE ON RULES**

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 27. Relating to the existence and functioning of the state board of Social Work Examiners provided for in Section 34-30-50, et seq. of the Code of Alabama 1975, amends Section 34-30-29 so as to specify the period of time for continuing supervision of licensed bachelor social workers and amends Section 34-30-56 so as to require publications of notice of meetings.

CHARLES BISHOP,
Chairperson.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Teague:

S. 288. Relating to the collection of reasonable fees associated with producing criminal offender records for inspection.

Committee on Governmental Affairs.

By Senator Holmes:

S. 289. To amend Section 36-7-20 of the Code of Alabama 1975 so as to further provide that the per diem travel allowance for employees stationed at the same place in the state for a period in excess of two consecutive months shall be reduced to an amount equal to \$5.00 less than the regular per diem allowance fixed by the governor.

Committee on Small Business.

By Senator deGraffenried:

S. 290. To amend appropriation provisions for the Alabama Commissioners on Uniform State Laws.

Committee on Finance and Taxation.

By Senator Hand (With Notice and Proof):

S. 291. To alter, rearrange and add to the limits of the City of Chickasaw in Mobile County, Alabama, and to alter and rearrange limits of the City of Mobile in Mobile County, Alabama, by removing certain areas from the limits of the City of Mobile and adding same to the limits of the City of Chickasaw, and to describe the area so removed from the City of Mobile and so added to the City of Chickasaw.

Committee on Local Legislation No. 3.

I hereby certify that the notice and proof is attached to the Bill, S. B. 291, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hand (With Notice and Proof):

S. 292. To alter, rearrange, and add to the limits of the City of Mobile in Mobile County, Alabama, and to describe the area so added to the City of Mobile.

Committee on Local Legislation No. 3.

I hereby certify that the notice and proof is attached to the Bill,

S. B. 292, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hand (With Notice and Proof):

S. 293. To alter, rearrange, and add to the limits of the City of Saraland in Mobile County, Alabama, and to alter and rearrange the limits of the City of Mobile in Mobile County, Alabama, by removing certain areas from the limits of the City of Mobile and adding same to the limits of the City of Saraland; and to describe the area so removed from the City of Mobile and so added to the City of Saraland.

Committee on Local Legislation No. 3.

I hereby certify that the notice and proof is attached to the Bill, S. B. 293, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hand (With Notice and Proof):

S. 294. To alter, rearrange and add to the limits of the City of Satsuma in Mobile County, Alabama, and to describe the area so added to the City of Satsuma.

Committee on Local Legislation No. 3.

I hereby certify that the notice and proof is attached to the Bill, S. B. 294, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hand (With Notice and Proof):

S. 295. To alter, rearrange, and add to the limits of the City of Mobile in Mobile County, Alabama, and to describe the area so added to the City of Mobile.

Committee on Local Legislation No. 3.

I hereby certify that the notice and proof is attached to the Bill, S. B. 295, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Aldridge:

S. 296. Proposing an amendment to the Constitution of Alabama authorizing the investment of Alabama Heritage Trust Fund capital and income as authorized for the investment of teachers' and employees' retirement systems funds.

Committee on Constitutional Revision.

The above Bill was read a first time at length as required by the Constitution.

By Senator Aldridge:

S. 297. To provide for the election of the president, president-elect

and other officers of the state bar.

Committee on Judiciary.

By Senator Aldridge:

S. 298. To amend Chapter 7 of Title 32 of the Code of Alabama 1975 commonly known as the Motor Vehicle Safety-Responsibility Act by amending Sections 32-7-5, 32-7-6, 32-7-16 and 32-7-23 thereof so as to increase the amount of property damage which must be sustained to require an accident report to be filed and to provide what the term "uninsured motor vehicle" shall include under the uninsured motorist coverage section of the Motor Vehicle Safety-Responsibility Act, increases the amount of payment on judgments necessary to satisfy the requirements of the Motor Vehicle Safety-Responsibility Act, and to increase the minimum amount of liability required under a motor vehicle liability policy under the Motor Vehicle Safety-Responsibility Act.

Committee on Judiciary.

By Senator Cooley:

S. 299. To provide that not more than fifteen minutes of the required scholastic day may be spent on clerical or non-instructional duties. To further provide each teacher a duty-exempt lunch period for at least 30 minutes of each school day.

Committee on Education.

By Senators Teague, Goodwin, Aldridge, Covington, Drinkard, Bailey, Bennett, Cooley, Langford, Amari, Denton, Hilliard, Bedford, Corbett, deGraffenried, Figures, and Strong:

S. 300. To provide that the annual state salary payable circuit clerks and registers shall be \$35,000.00 so as to equitably adjust the ratio between said salaries and the salaries of other judicial officers and to appropriate such funds as may be necessary to pay such increase.

Committee on Finance and Taxation.

By Senators Covington, Goodwin, and Smith (J):

S. 301. To provide that sentencing reports used by courts in sentencing criminal defendants contain a statement as to the impact of the offense upon the victim or the victim's family; to provide further that a victim or a member of a victim's family or other representative of the victim be entitled to be heard at sentencing.

Committee on Judiciary.

By Senator Covington:

S. 302. To amend sections 22-50-1 thru 22-50-6, 22-50-8 thru 22-50-17, 22-50-19, 22-50-20 and 22-50-23 of the code of Alabama 1975, relating to the department of mental health so as to redesignate the department of mental health as the department of mental health and mental retardation; to designate the method of appointing members of the mental health and mental retardation board and to provide that such board shall be advisory, to specifically repeal Section 22-50-7, and to establish the department as a state agency responsible to the governor of Alabama.

Committee on Health and Welfare.

By Senator Teague:

S. 303. To amend Title 41, Chapter 23, Code of Alabama 1975, which relates to the Department of Economic and Community Affairs to provide a new Section 41-23-6 empowering the Director to appoint certain employees as peace officers of the State of Alabama with certain restricted powers as described therein, and to renumber the present Section 41-23-6 to be 41-23-7 and the present Section 41-23-7 to be 41-23-8.

Committee on Buildings and Grounds.

By Senator Barron:

S. 304. To amend Section 32-8-2 of the Code of Alabama 1975, relating to the Uniform Certificate of Title and Antitheft Act, so as to redefine and clarify the definition of "owner".

Committee on Judiciary.

By Senators Strong, Sanders, Parsons, Figures, Bedsole, Bailey, and Teague:

S. 305. To authorize the Chancellor of Postsecondary Education to establish multipurpose programs at designated two-year institutions to provide the necessary training, counseling, and services to enable displaced homemakers to experience economic security vital to productive lives; and to provide for the appointment of a director to administer the statewide network of multipurpose programs.

Committee on Education.

By Senator Hilliard:

S. 306. Relating to Civil War History; creating a state commission known as the Alabama Institute of Civil War History to be located in Birmingham; providing for a Board of Trustees; and prescribing the method of appointment, its duties and authorities, and providing for employees.

Committee on Judiciary.

By Senators Parsons and Cooley:

S. 307. To amend Sections 25-5-110, 25-5-113, 25-5-114, 25-5-117, 25-5-120, 11-43-144 and 36-30-7 of the Code of Alabama 1975 so as to redefine occupational diseases of firefighters and the related manner and procedures for compensation of such.

Committee on Finance and Taxation.

By Senators Bishop, Corbett, Denton, Dixon, Holmes, Hand, deGraffenried, and Bailey:

S. 308. To prohibit for a period of three (3) years from the enactment hereof all legalized pari-mutuel or other forms of gambling in this state, to create a commission to comprehensively study all impacts of the pending legislation relating to gambling, to provide for the duration, composition, meetings, office space, compensation and reporting of said committee.

Committee on Buildings and Grounds.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has concurred in and adopted the following Senate Joint

Resolutions and returns same herewith to the Senate:

S. J. R. 4. URGING THE OBSERVANCE OF GRANDPARENT'S DAY IN ALABAMA.

Also:

S. J. R. 5. COMMENDING MISS VALERIE RHEA BENDALL AS NATIONAL MAID OF COTTON.

Also:

S. J. R. 6. MOURNING THE DEATH OF FORMER STATE REPRESENTATIVE TRAM SESSIONS.

Also:

S. J. R. 10. NAMING THE BRIDGE ACROSS LITTLE MULBERRY CREEK ON HIGHWAY 14 AT STATESVILLE, AUTAUGA COUNTY, ALABAMA, THE "BILL NICHOLS BRIDGE".

Also:

S. J. R. 13. COMMENDING THE AUBURN UNIVERSITY TIGERS AS THE NUMBER ONE COLLEGIATE FOOTBALL TEAM IN AMERICA.

Also:

S. J. R. 14. REQUESTING THE GOVERNOR TO PROCLAIM THE WEEK OF MAY 7, 1984, AS ALABAMA SMALL BUSINESS WEEK.

Also:

S. J. R. 19. COMMENDING MR. THERMON PHILLIPS, A DISTRICT DIRECTOR OF U.S. STEEL.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Venable (With Notice and Proof):

H. 91. Relating to Coosa County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Coosa County; repealing conflicting laws; providing for a referendum and prescribing the effective date of this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 91, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 91. To the Committee on Local Legislation No. 1.

RESOLUTIONS

Senator Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 21. DESIGNATING FEBRUARY 25, 1984, AS "MRS. ELLEN ADAMS APPRECIATION DAY" IN ALABAMA.

WHEREAS, Mrs. Ellen Adams of Alexander City, Alabama, has served for the past 17 years as administrator of Adams Nursing Home, a facility she founded in 1967; and

WHEREAS, Mrs. Adams, in unselfish dedication to the ill and elderly, worked diligently to expand her special refuge to those in need; her original 25-capacity nursing home was replaced in 1975 with a facility sufficient to accommodate 72 patients, and has since been expanded to a present total of 88 beds; and

WHEREAS, Mrs. Adams is indeed a model of devotion and love; she carries her responsibilities with a light heart, remaining true to her sincere belief that "her" patients come first; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep admiration and esteem, and in sincere gratitude for her contributions to the field of health care for the elderly, we hereby name and designate February 25, 1984, as "Mrs. Ellen Adams Appreciation Day in Alabama."

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mrs. Adams that she may be aware of this special recognition of the Alabama Legislature.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Little, Dial, and Corbett offered the following Senate Joint Resolution, to-wit:

S. J. R. 22. MOURNING THE DEATH OF JUDGE O. D. ALSOBROOK OF LAFAYETTE, CHAMBERS COUNTY, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the death of Judge O. D. Alsobrook of Lafayette, Chambers County, Alabama, on August 2, 1983, at the age of 62 years; and

WHEREAS, Judge Alsobrook, a native of Cusseta, was serving at the time of his death in his 25th year as Chambers County Probate Judge, having begun his fifth six-year term in said elective office in January 1983; and

WHEREAS, Judge O. D. Alsobrook was, in consensus, one of our state's most prominent jurists and was an outstanding American patriot who served his country with courage and distinction during World War II and as a Captain with General George Patton's Third Army; he was a veteran of the Battle of the Bulge, among others, and his decorations included such distinguished citations as the Silver and Bronze Stars; and

WHEREAS, Judge Alsobrook further distinguished himself through in-

volvement in numerous civic, charitable and community affairs, but most particularly in the areas of mental health and retardation; and

WHEREAS, though remembered for his accomplishments, both personal and professional, Judge Alsobrook is remembered most vividly for his love of people and his compassion for the less fortunate, and as a champion for the needs and rights of all mankind; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Judge O. D. Alsobrook of Lafayette, Alabama, and extend our deepest sympathy to those whose sorrow we share: his beloved wife and son, Mrs. Virginia Alsobrook and O. D. Alsobrook, III, his other family members and to the citizens of his beloved Chambers County.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

**REPORT FROM THE STANDING COMMITTEE
ON JUDICIARY ON THE JOINT
COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW**

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said Committee, in Session, considered the proposed rules of the ABC Board (which were suspended at the February 7, 1984 meeting of the Joint Committee on Administrative Regulation Review) and, after consideration, sustained the Joint Committee in their action by giving a favorable report to the report of said Committee, which report is set out in the Journal of the Senate for the First Legislative Day.

RESOLUTIONS

Senator Hilliard offered the following Senate Joint Resolution, to-wit:

S. J. R. 23. SUSTAINING THE SUSPENSION OF AN ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD RULE DISAPPROVED BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW.

WHEREAS, the Joint Committee on Administrative Regulation Review met, studied the proposed rules of the Alabama Alcoholic Beverage Control Board and after consideration, disapproved and suspended the following proposed rule:

A new rule, Rule No. 20-X-6-.12, relating to Obscene, Lewd or Indecent Conduct: Prohibited, published January 31, 1984, in Volume II, No. 4, of the "Alabama Administrative Monthly," and

WHEREAS, pursuant to the Alabama Administrative Procedure Act, each member of both houses of the Legislature has considered said proposed rule; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the disapproval and suspension of the said Alabama Alcoholic Beverage Control Board proposed rule by the Joint Committee on Administrative Regulation Review are hereby sustained.

Which was read and referred to the Standing Committee on Rules.

Senator Hilliard then offered the following Senate Joint Resolution, to-wit:

S. J. R. 24. SUSTAINING THE SUSPENSION OF AN ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD RULE DISAPPROVED BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW.

WHEREAS, the Joint Committee on Administrative Regulation Review met, studied the proposed rules of the Alabama Alcoholic Beverage Control Board and after consideration, disapproved and suspended the following proposed rule:

A new rule, Rule No. 20-X-5-12, relating to Regulation of Licensees Operating as Package Stores, published January 31, 1984, in Volume II, No. 4, of the "Alabama Administrative Monthly," and

WHEREAS, pursuant to the Alabama Administrative Procedure Act, each member of both houses of the Legislature has considered said proposed rule; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the disapproval and suspension of the said Alabama Alcoholic Beverage Control Board proposed rule by the Joint Committee on Administrative Regulation Review are hereby sustained.

Which was read and referred to the Standing Committee on Rules.

Senator Hilliard then offered the following Senate Joint Resolution, to-wit:

S. J. R. 25. SUSTAINING THE SUSPENSION OF AN ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD RULE DISAPPROVED BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW.

WHEREAS, the Joint Committee on Administrative Regulation Review met, studied the proposed rules of the Alabama Alcoholic Beverage Control Board and after consideration, disapproved and suspended the following proposed rule:

An amendment to Rule No. 20-X-6-10, relating to Minors which was published December 30, 1983, in Volume II, No. 3, of the "Alabama Administrative Monthly," and

WHEREAS, pursuant to the Alabama Administrative Procedure Act, each member of both houses of the Legislature has considered said proposed rule; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the disapproval and suspension of the said Alabama Alcoholic Beverage Control Board proposed rule by the Joint Committee on Administrative Regulation Review are hereby sustained.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Turnham, Smith, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L), and Zoghby:

H. J. R. 49. COMMEMORATING THE 75TH ANNIVERSARY OF 4-H.

WHEREAS, 4-H Club work began in Alabama with the organization of Boys' Corn Clubs in Walker, Calhoun and Tuscaloosa Counties in 1909; and

WHEREAS, the 4-H Club program since its beginning in Alabama 75 years ago has contributed greatly to the education and development of the youth of our state; and

WHEREAS, 4-H members acquire knowledge, develop life skills and form positive attributes that will enable them to become self-directing, productive and contributing members of society; and

WHEREAS, the 115,000 boys and girls now enrolled in 3,100 4-H clubs in Alabama, the 3,200 adult volunteer leaders who assist them and the 130 Extension youth professionals of the Alabama Cooperative Extension Service make an important contribution to the quality of family and community life in our State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body designates the year 1984 as 4-H Club Diamond Anniversary Year in Alabama in recognition of Alabama 4-H Clubs for 75 years of service to the youth of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 49, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holley:

H. J. R. 42. DESIGNATING HIGHWAYS FOR THE DELIVERY OF TRUCK TRAILERS MANUFACTURED IN COFFEE AND PIKE COUNTIES.

WHEREAS, in relation to the counties of Coffee and Pike, there are

significant facilities for the manufacture of highway twin trailer equipment; and

WHEREAS, this equipment is now in heavy usage and demand throughout the nation as a result of the Congressional Surface Transportation Assistance Act of 1982; and

WHEREAS, these local manufacturing facilities with large payrolls are vital to the economy of these counties; and

WHEREAS, these counties are presently without access to highways designated by the State of Alabama for the use of this equipment, making it impossible for the delivery of this local manufacture; and

WHEREAS, there is to be published a proposed rulemaking of the Federal Highway Administration designating a system of highways allowing the use of this equipment in Alabama; and

WHEREAS, the compromise designated system contained in the "Stipulation of the Dismissal" of Civil Action No. 83-H-336-N, recently issued by the Alabama Attorney General is inadequate in the omission of many needed highway links to form a reasonable network for these counties; and

WHEREAS, it is appropriate and necessary within the provision for comments on this impending proposed rulemaking of the Federal Highway Administration to petition the addition of the designated highways for the use of this equipment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in the interest of the efficient flow of commerce, and the distribution of the products of industry, we call upon the Federal Highway Administration to add those highways of most direct access from Elba and Enterprise, Alabama, north and east to US Highway 231 at Troy, and west to I-65, at Evergreen, Alabama, to the proposed designated system contained in the Stipulation compromise.

BE IT FURTHER RESOLVED, That a copy of this resolution be served upon the Federal Highway Administrator, within the provisions of the Proposed Rulemaking.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 42, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Penry, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (RG), Johnson (Roy), Jenkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta,

Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby:

H. J. R. 40. REQUESTING THAT THE INTERSTATE COMMERCE COMMISSION HOLD A PUBLIC HEARING ON AB-55 (SUB NO. 96).

WHEREAS, Baldwin County is a large agricultural county which produces many different kinds of row crops and especially grain and cattle; and

WHEREAS, the deletion of this section of railroad would leave this area without competitive rates in supplying grain, feed, and fertilizer to our important agricultural county; and abandonment of this rail would divert shipping to state highway 59 which is a major tourist route, and

WHEREAS, this railroad is very important to future industry that might consider locating in this area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Interstate Commerce Commission hold a public hearing in or near Baldwin County concerning the abandonment of 33.5 miles of railroad between Bay Minette and Foley in Baldwin County, Alabama, so that the people involved may have an opportunity to present testimony that this railroad has been very vital to the agricultural and lumber industries in Baldwin County.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 40, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Mikell and Venable:

H. J. R. 38. MOURNING THE DEATH OF THE REVEREND R. LEE FRANKLIN OF MILLBROOK, ALABAMA.

Also:

By Rep. White (L):

H. J. R. 39. COMMENDING MRS. ELLEN ADAMS FOR OUTSTANDING SERVICE IN THE HEALTH CARE FIELD.

Also:

By Reps. Gaston and Kvalheim:

H. J. R. 43. COMMENDING MR. THOMAS CLARKE HUCKABEE OF MOBILE, ALABAMA, FOR OUTSTANDING SERVICE IN EDUCATION.

Also:

By Reps. Gaston and Kvalheim:

H. J. R. 44. COMMENDING COACH LeVAUGHN HANKS FOR LONG AND DISTINGUISHED SERVICE TO THE YOUTH OF MOBILE COUNTY.

Also:

By Rep. Cosby:

H. J. R. 46. COMMENDING MISS SHERER HUCKABEE FOR OUTSTANDING ACCOMPLISHMENT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 38, 39, 43, 44, and 46, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

RESOLUTIONS

Senators Little, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong, and Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 26. DESIGNATING 1984 AS 4-H CLUB DIAMOND ANNIVERSARY YEAR IN ALABAMA.

WHEREAS, 4-H Club work began in Alabama with the organization of Boys' Corn Clubs in Walker, Calhoun and Tuscaloosa Counties in 1909; and

WHEREAS, the 4-H Club program, since its beginning in Alabama 75 years ago, has contributed greatly to the education and development of the youth of our state; and

WHEREAS, 4-H members acquire knowledge, develop life skills and form positive attributes that will enable them to become self-directing, productive and contributing members of society; and

WHEREAS, the 115,000 boys and girls now enrolled in 3,100 4-H clubs in Alabama, the 3,200 adult volunteer leaders who assist them and the 130 Extension youth professionals of the Alabama Cooperative Extension Service make an important contribution to the quality of family and community life in our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body designates the year 1984 as 4-H Club Diamond Anniversary Year in Alabama in recognition of Alabama 4-H Clubs for 75 years of service to the youth of Alabama.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Holmes offered the following Senate Joint Resolution, to-wit:

S. J. R. 27. CREATING A BUSINESS AND LABOR POLICY

GROUP TO STUDY VARIOUS ASPECTS AFFECTING SMALL BUSINESSES.

WHEREAS, the Alabama Legislature hereby finds and declares:

(1) That the essence of the American economic system is free competition;

(2) That only through full and free competition can free markets, free entry into business, and opportunities for the expression and growth of personal initiative and individual judgment be assured;

(3) That small business stands as a symbol of American character and spirit which includes the traits of individual initiative, self-reliance and creativity; and

(4) That small business has been a major positive factor in the political, economic and social development of the state; and

(5) That the future welfare of the state depends on the continued development of small business; and

(6) That the opportunity for all people to participate in a manner and method of their own choosing has been a hallmark of our free enterprise system; and

(7) That the people of the State of Alabama must be assured of the opportunity and right to participate in our system of free enterprise; and

(8) That it is the sense of the people of Alabama that private enterprise and small business entrepreneurship are essential to the preservation of individual liberty and freedom for all our citizens; and

(9) That all citizens of the State of Alabama have the right to live in an economically diverse society; and

(10) That all citizens of the State of Alabama have the right to own and manage their own business; and

(11) That all citizens of the State of Alabama have an equal entrepreneurial opportunity to participate in our free enterprise system regardless of race, creed and sex; and

(12) That it shall be the declared policy of the people and the legislature of the State of Alabama to preserve, protect and foster the creation, development and growth of small business in the state; and

(13) That it shall be the policy of the legislature that all agencies, departments, bureaus and instrumentalities of the state government shall take all possible measures to preserve these rights and aggressively foster small business opportunity; and

(14) That the best method of furthering such legislative policies is through the establishment of a permanent state commission for small business development; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a permanent business and labor policy group to study various aspects affecting management and labor. It shall be the duty of this task force to promote the development of legislation affecting small business regulatory matters including but not limited to: taxation, licensing, loan programs, unemployment, workmen's compensation, co-employee's liability, simplification of

government rules and regulations, technical assistance and assistance in industrial development for both incorporated and unincorporated small businesses. Members of the task force shall include the President of the Alabama Labor Council, the Director of the Alabama Chamber of Commerce, and four members from the business and labor communities to be appointed for terms of four years by the Governor. In addition, the Speaker of the House of Representatives shall appoint two members from the House of Representatives and the Lieutenant Governor shall appoint two members from the Senate. The chairman of the Joint Legislative Committee on Small Business shall serve as chairman of the task force. Members shall serve without compensation but may be reimbursed for travel and other necessary expenses from the state general fund.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Starr:

H. J. R. 34. COMMENDING MR. PERCY ROSS, MINNEAPOLIS, MINNESOTA.

Also:

By Rep. Newman:

H. J. R. 35. COMMENDING MR. AND MRS. VIRGIL HUBBERT ON THEIR FIFTIETH WEDDING ANNIVERSARY.

Also:

By Rep. Bugg:

H. J. R. 36. COMMENDING EMMA SANSOM'S FREDDIE WEYGAND, STATE 3A PLAYER OF THE YEAR.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 34, 35, and 36, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Hall, Hettinger, Brooks, Butler, and Grayson:

H. J. R. 33. CREATING THE MADISON COUNTY TAX DISTRIBUTION STUDY COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there be and hereby is established in Madison County, a Commission to be known as the Madison

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County Tax Distribution Study Commission, hereinafter called "the Commission." The Commission shall be composed of a total of ten (10) members, with each member of the Madison County Legislative Delegation making one appointment. The Chairman shall be elected from among its members and shall preside over all meetings. The Commission shall make its own rules for the conduct of business. The initial meeting shall be held at the call of the Chairman. Members of the Commission shall serve without compensation. Administrative and clerical assistance shall be provided by the Madison County Legislative Delegation Office.

The purpose of the Commission shall be to conduct studies and provide information and recommendations, regarding local sales tax, local beer and alcoholic taxes, money paid by the City of Huntsville utilities in lieu of taxes and other areas as directed by the Madison County Delegation, to the said delegation.

The Commission shall make its recommendations to the Madison County Legislative Delegation by December 1, 1984, at which time it shall be discharged of any further responsibilities or duties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 33, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Richardson, Hall, Hettinger, Coburn, Starkey, Goodwin, Clark (D), and Lauderdale:

H. J. R. 50. COMMENDING FORMER ALABAMA CONGRESSMAN ROBERT E. JONES AND INVITING HIM TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

Also:

By Rep. Rains:

H. J. R. 51. COMMENDING MR. AND MRS. JAMES ALLEN JOHNSON ON THEIR 50TH WEDDING ANNIVERSARY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 50 and 51, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

RESOLUTIONS

Senator Barron offered the following Senate Resolution, to-wit:

S. R. 28. COMMENDING MR. LEROY PORTER FOR OUTSTANDING SERVICE TO FARMERS TELEPHONE COOPERATIVE.

WHEREAS, the Alabama Senate notes with utmost commendation the prestigious and dedicated tenure of Mr. Leroy Porter in service to Farmers Telephone Cooperative; and

WHEREAS, the onset of Mr. Porter's association with the Cooperative's Board of Directors was August 2, 1958; he was appointed president of the board in August 1964; and

WHEREAS, Mr. Porter, who also is executive vice-president of DeKalb Bank of Crossville, was lauded for his fidelity to Farmers Telephone Cooperative at the January 14, 1984, Trustees meeting; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we herein express highest praise of Mr. Leroy Porter for outstanding service to Farmers Telephone Cooperative; we further commend Mr. Porter for his accomplishment in numerous other areas of community service and involvement and direct that he receive a copy of this resolution in small token of our highest regard.

Which was read and referred to the Standing Committee on Rules.

Senator Parsons offered the following Senate Joint Resolution, to-wit:

S. J. R. 29. STATING LEGISLATIVE AUTHORITY RELATIVE TO ACT NO. 81-889, S. 32, FIRST SPECIAL SESSION, 1981.

WHEREAS, it is the law as prescribed by the Constitution of the State of Alabama that within their respective spheres each branch of government is supreme and only the legislature, under the Constitution of Alabama of 1901, has the power to propose amendments to the Constitution; and

WHEREAS, the legislature hereby finds and declares as follows: that S. 32 of the First Special Session of the 1981 Legislature which was designated Act 81-889, was such a proposed amendment that never received final action and was unfinished business of the 1982 Regular Session of the Alabama Legislature; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we do direct that this public document, along with other papers and documents of the House and Senate shall be kept in accordance with Sections 29-1-15, 29-1-16 and 29-1-17, Code of Alabama 1975, with the records, papers and documents belonging to the legislature, and shall remain there until the legislature dictates otherwise.

RESOLVED FURTHER, That further action on this proposed amendment is improper, unconstitutional, and should be moot.

Which was read and referred to the Standing Committee on Rules.

Senators Amari, Hilliard, Bennett, Parsons, and Cabaniss offered the following Senate Joint Resolution, to-wit:

S. J. R. 30. COMMENDING RADIO STATION WZZK.

WHEREAS, Birmingham radio station WZZK has supported the interest of Birmingham and the surrounding area through music, laughter, news, weather and good conversation; and

WHEREAS, station WZZK has, since coming on the air, been supportive of charitable and worthwhile community projects; and

WHEREAS, on February 15, 1984, station WZZK, at their own ex-

pense, brought circus performers of the Barnum and Bailey Circus to The Children's Hospital, thereby allowing these children who otherwise would not have been able to experience the pleasure of the wonderful world of a circus; and

WHEREAS, the legislature feels this action by station WZZK on February 15, 1984, reflects outstanding community support and compassion for the children of Alabama and constitutes conduct that should be noted; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with The Children's Hospital and the Alabama Hospital Association in commending Radio Station WZZK for their support of the Children's Hospital and the youth of our State.

On motion of Senator Amari, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING

Senator Smith (J) requested and received permission to suspend the Rules in order to bring up the Bill:

S. 120. To authorize and make provision for the incorporation of Railroad Authorities as public corporation for the purpose of acquiring, constructing, equipping, improving, maintaining, developing, and operating railroads, railroad properties and facilities, and other buildings and facilities, terminal and yard facilities, shop and repair facilities, real and personal property used or useful in rail transportation services, including both freight and passenger railroad service, and including the leasing or letting such buildings, structures or facilities; to provide that in order for any such Authority to be organized, application must be made to the governing body of one or more counties, cities or towns in Alabama, as defined, and permission for organization of such Authority must be obtained from each such governing body to which application is made; to provide for the selection of the directors and officers of each such Authority; to specify the powers of each such Authority; to endow each such Authority with eminent domain powers; to exempt each such Authority from laws and regulations relating to the advertising and award by the State and its departments of construction or purchase contracts; to provide that any county, city, town or other political sub-division, public corporation, agency or instrumentality of this State within this State may aid and cooperate with any such Authority in the planning, undertaking, acquisition, construction and operation of railroads, and railroad properties and facilities, and may lend, give, donate, sell, convey or transfer to any such Authority money, property or any right capable of transfer; to provide that no action or suit shall be brought or maintained against the manager or any director of the Authority for or on account of the negligence of the Authority or director or of its or his agents, servants or employees; to authorize the issuance by each such Authority of interest bearing revenue bonds payable solely out of the revenues of the Authority issuing such bonds; to specify provisions of such revenue bonds issued by any such Authority and to provide that such revenue bonds shall be deemed negotiable instruments; to provide that such revenue bonds issued by any such Authority may be secured by pledge of any of the revenues of the Authority issuing such bonds, whether the Authority's right to such revenues then exists or may thereafter come into existence and by mortgage on any property of any such Authority whether then in existence of thereafter acquired; to provide that such pledge may be provided for in an indenture

between the Authority issuing such bonds and a trustee or by resolution providing for the issuance of the bonds; to provide that such pledges shall be valid and binding when made and effective against third parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county in which the principal office of the Authority is located and in any other county in which there is located any property of the Authority, the revenues from which are so pledged; to provide that any such Authority may include in any indenture or resolution authorizing the issuance of such bonds provisions customarily contained in instruments securing evidence of indebtedness; to provide that bonds issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the State or of any county, city or town within the State; to specify the uses to which the proceeds of revenue bonds issued by any such Authority may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds issued by any such Authority and the income therefrom and the property and income of any said Authority; to authorize the investment of any idle funds of any county, city or town within this State in bonds issued by any such Authority; to provide that bonds issued by any such Authority shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by any Authority and specifying the time after such publication within which actions and defenses may be asserted respecting such bonds, pledge and indenture and the proceedings authorizing the same; and to provide for the dissolution of any such Authority and the disposition of its property.

Senator Smith (J) then offered the following amendment to the Bill, S. B. 120, to-wit:

AMENDMENT TO S. B. 120

On page 10, line 34, after the words "government has" add the following:

"by final order"

Also:

On page 10, line 33, after the words "power to" add the following:
"purchase or"

Also:

In the title on page 1, line 33, delete the semi-colon after the word "facilities" and add the following:

“, which are being abandoned by any railroad pursuant to final ICC authority;”

Also:

In the synopsis on page 1, line 15, after the word "properties," add the following:

"to purchase such properties only where they have been authorized by final order of the federal government to be abandoned,"

Also:

Amend Section 16, Page 20, of Senate Bill 120, by adding at the end of said section a sentence as follows: "Provided further that the property of the

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authority shall be subject to state property taxation beginning in the tax year which begins next after the expiration of three years from the incorporation of the authority.”

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Bennett	Dixon	Menton	
Bailey	Cooley	Goodwin	Parsons	
Barron	deGraffenried	Hand	Smith (B)	
Bedford	Denton	Holmes	Smith (J)	
Bedsole	Dial	Little	Strong	—19

Nays: —0

And said Bill, S. B. 120, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 21; Nays 0.

Yeas:

Senators:	Cooley	Goodwin	Menton	
Bailey	deGraffenried	Hand	Parsons	
Barron	Denton	Holmes	Smith (B)	
Bedford	Dial	Langford	Smith (J)	
Bedsole	Dixon	Little	Strong	
Bennett	Ellis			—21

Nays: —0

REPORT FROM RULES

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 29. STATING LEGISLATIVE AUTHORITY RELATIVE TO ACT NO. 81-889, S. 32, FIRST SPECIAL SESSION 1981.

On motion of Senator Parsons, the Resolution was then adopted by the Senate.

POINT OF PERSONAL PRIVILEGE

Senator Dixon requested that the Journal show that he is opposed to the adoption of the Resolution, S. J. R. 29.

REPORT FROM RULES

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 30. DESIGNATING THE BELOIT COMMUNITY AS THE RECYCLE CAPITAL OF ALABAMA.

On motion of Senator Parsons, the Resolution was then concurred in and adopted by the Senate.

Senator Parsons, Vice-Chairperson of the Standing Committee on

Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 16. HONORING MR. JAMES W. (BILL) JOHNSON OF ALBERTVILLE, ALABAMA.

On motion of Senator Barron, the Resolution was then adopted by the Senate.

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 29. COMMENDING THE CITIZENS OF STEVENSON, ALABAMA, ON THE RESTORATION AND PRESERVATION OF THE STEVENSON RAILROAD DEPOT MUSEUM.

On motion of Senator Parsons, the Resolution was then concurred in and adopted by the Senate.

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 20. COMMENDING MR. AND MRS. ELTON WINFIELD SCOTT ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

On motion of Senator Parsons, the Resolution was then adopted by the Senate.

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 17. COMMENDING MR. VELPO MABREY OF GUNTERSVILLE, MARSHALL COUNTY, ALABAMA.

On motion of Senator Parsons, the Resolution was then adopted by the Senate.

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 18. DESIGNATING THE FOURTH WEEK IN APRIL, ANNUALLY, "PUBLIC SCHOOL WEEK" IN ALABAMA.

On motion of Senator Parsons, the Resolution was then adopted by the Senate.

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 15. COMMENDING MR. GLEN WATSON OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO

THE UNIVERSITY OF ALABAMA — HUNTSVILLE ATHLETIC PROGRAM.

On motion of Senator Parsons, the Resolution was then adopted by the Senate.

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 28. COMMENDING PISGAH HIGH SCHOOL'S CHAMPIONSHIP FOOTBALL TEAM.

Also:

H. J. R. 31. MOURNING THE DEATH OF MR. OLAF A. SYLTIE OF MOBILE, ALABAMA.

On motion of Senator Parsons, the Resolutions were then concurred in and adopted by the Senate.

REPORTS OF COMMITTEES

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Teague:

S. 11. To make an additional appropriation to the Alabama Real Estate Commission from the Alabama Real Estate Commission Fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1984.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Mitchem, Little, Foshee, Strong, deGraffenried, Denton, Smith (B), Corbett, Dixon, Barron, Covington, Bedsole, Hand, Bailey, Bennett, Teague, Dial, Menton, Aldridge, Ellis, Smith (J), Langford, Cabaniss, Holmes, Cooley, Parsons, Hilliard, Pearson, Goodwin, and Amari (With Substitute):

S. 54. To provide further for funding of legislative services and establish procedures therefor.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Little (With Amendment):

S. 160. To establish the Revenue Forecast Control Commission to project anticipated state revenue and prohibit the legislature from appropriating more than a certain percentage of the projected revenue.

WHEREAS, the legislative fiscal office, the state finance director's office, the state revenue department, and the Center for Economics and Busi-

ness Research located in Tuscaloosa, Alabama, each make independent projections of revenue anticipated to be received by the State; and

WHEREAS, each of the aforementioned projections may differ widely; and

WHEREAS, as a result of the separate projections, a true and valid anticipation of the revenues is not available to the legislature; and

WHEREAS, as a result of this lack of a valid projection, proration of appropriated funds may be necessitated; now therefore,

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were read a second time and placed on the calendar, to-wit:

By Senators Smith (J), Bennett, and Hilliard:

S. 12. To prohibit the acts of shooting or discharging a firearm, explosive or other weapon which discharges a dangerous projectile into any occupied or unoccupied dwelling or building or railroad locomotive or railroad car, aircraft, automobile, truck or watercraft and to prescribe felony punishment for such acts.

By Senator Hilliard:

S. 256. Relating to Civil Rights' History; creating a state agency known as the Alabama Institute of Civil Rights' History to be located in Birmingham; providing for a Board of Trustees; and prescribing the method of appointment, its duties and authorities, and providing for employees.

By Senator Smith (J):

S. 84. To further amend the probate laws so as to clarify certain inconsistencies in portions of the "Probate Code" and probate laws by amending Sections 43-2-230, 43-2-231, 43-2-312, 43-2-313, 43-2-315, 43-2-316, 43-2-336, 43-2-412, 43-2-441, 43-2-442, 43-2-450, 43-2-510, 43-8-114, 43-8-132, as amended and repealing Sections 43-2-314, 43-2-317, 43-2-449, 43-2-466 as amended, of the Code of Alabama.

By Senator Little:

S. 47. To amend Section 12-1-8, Code of Alabama 1975, which relates to cases in which courts may issue attachments and inflict summary punishment for contempt, so as to provide that said power of the court shall not extend to instances where persons have contacted the media with criticisms of the court.

Senator Langford, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were read a second time and placed on the calendar, to-wit:

By Senators Langford and Covington:

S. 132. To provide that full-time employees and executive officers of the Alabama Opportunities Industrialization Center may elect to become members of the teachers' retirement system of Alabama; also to provide that said Center and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the State.

By Senators Little and Mitchem:

S. 142. To amend Sections 11-90-2 through 11-90-4, Code of Alabama 1975, relating to the establishment and maintenance of free public libraries by counties and municipalities, so as to prescribe further the powers and duties of such library boards; and to prescribe further procedures of operation for free public libraries.

By Senator Langford:

S. 143. Relating to elections, to establish an annual voter registration day; to require that the hours of the board of registrars coincide with the business hours of the courthouse; to require that in certain counties, the probate judge or chief probate clerk or others be appointed as deputy registrars; to require, upon the request of certain municipal governing bodies, the appointment of the clerk of the municipality as a deputy registrar; to authorize certain high school and college officials to serve as deputy registrars; to establish a population basis for authorizing session days for boards of registrars; to provide for severability; and, to provide an effective date.

By Senator Teague:

S. 148. To amend Sections 36-30-1 and 36-30-20, Code of Alabama 1975, which provide for compensation for death or disability of certain law enforcement personnel, and Section 36-21-8, Code of Alabama 1975, which provides for the retention of badges and pistols upon retirement by certain law enforcement personnel, so as to include officers of the Department of Industrial Relations within these provisions.

By Senator Ellis:

S. 175. To amend Section 11-43-3, Code of Alabama 1975, to eliminate the requirement that the city treasurer and the city clerk in municipalities of more than 6,000 inhabitants must be a resident of the city but providing that the council may, by ordinance, require that such officers be residents of the city.

By Senator Covington:

S. 232. To amend Section 11-43-4, Code of Alabama 1975, as amended, and to amend Section 11-43-45, Code of Alabama 1975, said sections relating to the election of officers in a municipality, so that vacancies may be filled by a majority vote of the members of the council, and all members of the council may vote to fill vacancies any provision of law notwithstanding.

Senator Corbett, Chairperson of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Teague:

S. 164. To amend Sections 25-4-55, 25-4-56, 25-4-57, 25-4-58, 25-4-70, 25-4-75 and 25-4-77, Code of Alabama 1975, as last amended so as to provide that the Special Federal Advance Interest Repayment Fund established by ACT 83-178 will be permanently available as mandated by P. L. 98-21, and to provide for disbursement therefrom, and for discontinuing assessments thereafter when no funds are due or needed; and to provide for disposition of any balances in such fund; to expand the provisions of the Code to provide for denial of benefits during customary vacation periods and holiday or other usual recesses to the same extent as now provided for

between term and academic year periods; to provide denial of benefits to employees of certain educational service agencies to the same extent and under the same conditions as now provided for employees of educational institutions; and to define "educational service agencies"; and to exempt from disqualification from receiving benefits individuals whose failure to seek work was due to jury duty as defined herein.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Dixon, deGraffenried, Holmes, Smith (J), Little, and Teague (With Substitute) (With Amendment):

S. 49. To amend Section 16-8-26, Code of Alabama, 1975, which provides for personal leave for teachers, so as to provide further for said leave, and to provide for creditable service for purposes of service retirement for unused accrued sick leave.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Parsons:

S. 105. To amend Section 16-35-1, Code of Alabama, 1975, so as to provide for the qualifications and number of the members of the State Courses of Study Committee.

Senator Aldridge, Chairperson of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Bennett (With Substitute):

S. 22. To amend the "Hazardous Waste Management Act of 1978," as amended, specifically amending Sections 22-30-3, 22-30-12, 22-30-13, 22-30-15, 22-30-16, 22-30-17, 22-30-18, 22-30-19 and 22-30-21, Code of Alabama 1975, so as to clarify the definition of disposal and add a definition of transporter; ensure that the Alabama Department of Environmental Management (ADEM) has sufficient time to review permit applications prior to approval or disapproval; more fully define the responsible party for permit issuance; require that out-of-state shipments of hazardous waste be transported to and disposed of at only those facilities which have been approved by the United States Environmental Protection Agency (EPA) or a state pursuant to a hazardous waste management program approved by EPA; clarify the Alabama program's authority to promulgate transporter regulations to protect human health and the environment; clarify the application of trade secret protection; clarify and enlarge the penalties section by amending the civil monetary penalties section, eliminating duplicate criminal liability provisions and clarifying the state's authority to require correction of violations; provide that the 90-day exemption relating to the storage of hazardous waste applies only to on-site storage by the generators of such waste; provides for further regulation of certain transporters; and allows the

substitution of proper shipping papers for the manifest for certain transporters.

Senator Aldridge, Chairperson of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were read a second time and placed on the calendar, to-wit:

By Senator Barron:

S. 50. To authorize the State Health Department to establish a training program for persons interested in qualifying to perform soil percolation tests and soil borings. Further authorizing the Health Department to charge necessary registration fees for attending the course, to help offset any expenses. To further authorize members of the County Health Departments to assist in performing tests and to charge a fee to recover the actual expenses incurred.

By Senator deGraffenried:

S. 117. To amend Act 82-514, The Revised Alabama Professional Corporation Act, by amending Sections 10 and 24 to determine the date of disqualification of shareholders and to allow corporations in existence December 31, 1983 in which licensed medical and dental professionals were allowed to be shareholders under Section 10-4-235, Code of Alabama, to continue.

By Senator deGraffenried:

S. 118. To amend Section 6-5-332, Code of Alabama 1975, which provides exemptions from civil liability for certain persons under particular circumstances, so as to exempt from liability those persons providing assistance in mitigating the effects of a discharge of hazardous materials.

By Senators Bedsole, Barron, Amari, and Corbett:

S. 129. To prescribe certain qualifications for persons representing themselves to the public as dietitians, nutritionists or registered dietitians or other similar titles; and to prescribe penalties for violations of this Act.

Senator Aldridge, Chairperson of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Dixon and Aldridge (With Amendment):

S. 212. To amend the Dental Practice Act, Sections 34-9-1, 34-9-6, 34-9-9, 34-9-17, 34-9-18, 34-9-19, 34-9-22, 34-9-27, 34-9-29, 34-9-40, 34-9-41 and 34-9-43 of the Code of Alabama 1975, so as to regulate further the practice of denistry and dental hygiene; to regulate further the board of dental examiners; and to provide sanctions.

Senator Aldridge, Chairperson of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Aldridge and Dixon:

S. 211. Relating to dental practice insurance coverage in health insurance policies and employee benefit plans so as to allow any individual who

has dental insurance coverage or contract benefits, the right to select any dentist of his choice to furnish the dental care provided under such plans or policies; to provide that it shall be the duty and responsibility of the commissioner of insurance to enforce the provisions of this Act; and to provide for penalties for violations as provided in Section 27-1-12 of the Code of Alabama 1975.

Senator Smith (J), Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Barron:

S. 191. To amend Section 5-18-11 of the Code of Alabama 1975 relating to books, accounts and records of licensees under the Alabama Small Loan Act so as to provide further for annual reports of such licensees.

Senator Denton, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were read a second time and placed on the calendar, to-wit:

By Senator Denton:

S. 13. To amend Sections 34-8-1 and 34-8-7, Code of Alabama 1975, to include a swimming pool contractor in the definition of "general contractor" found within Title 34, Chapter 8, Code of Alabama 1975, and to exclude a swimming pool contractor from the exemptions found within Section 34-8-7, Code of Alabama 1975.

By Senators Foshee and Teague:

S. 133. To require, in addition to rear tags or plates, the placement of front tags or plates and any attachments thereto on all motor vehicles operated in this state; to require all such tags or plates, front and rear placement, and attachments thereto, to comply with certain federal standards as relates to reflection properties; to require the revenue department to implement the provisions of this act and to authorize rule and regulation power for such purposes; to provide for an additional fee for such tags and reflection standards, and, for the collection, distribution and use of such fees; to provide that this act shall be supplemental to and in pari materia to existing law; and to provide an effective date.

By Senator Foshee:

S. 137. To amend Sections 9-17-3 and 9-17-4, Code of Alabama 1975, which creates the state oil and gas board, so as to increase the membership on the board.

By Senator Covington:

S. 158. To exempt electric cooperatives and electric membership corporations organized under Chapters 6 and 7 of Title 37 of the Code of Alabama of 1975, as amended, from the provisions of the Uniform Disposition of Unclaimed Property Act, which Act is codified in Sections 35-12-20 through 35-12-48, Code of Alabama of 1975, as amended, to establish an effective date of January 1, 1983, to repeal laws inconsistent therewith and to provide that the provisions of the Act are severable and that if any provision is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Senator Denton, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Denton (With Substitute):

S. 176. To provide facilities for displaying certain exhibits in cooperation with the Tennessee Valley Authority; creating the Alabama Tennessee Valley Authority Exhibit Commission as an agency of the State of Alabama and providing for its membership, terms, authority and duties; authorizing the issuance of revenue bonds and general obligation bonds, subject to the approval of the Governor, and providing for the retirement of such bonds; authorizing the allocation and expenditure of funds; and providing exemptions from all taxes.

Senator Denton, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Parsons:

S. 202. To authorize the Public Service Commission to grant intra-state charter rights to any common carrier of passengers by motor vehicle regardless if such common carrier holds and operates regular route authority.

Senator Dial, Chairperson of the Standing Committee on Military Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Teague, Dial, Hand, and Menton:

S. 154. To provide for educational assistance benefits for members of the Alabama National Guard.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Cooley (With Notice and Proof) (With Substitute):

S. 248. Relating to Cullman County, to amend Sections 1 and 2 of Act No. 515, S. 755, 1977 Regular Session (Acts 1977, p. 681), which deals with "flea" markets operating on Sunday, so as to provide for nurseries and other businesses to operate on Sundays during certain business hours.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Ford, Junkins, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks,

Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby:

H. J. R. 53. MOURNING THE DEATH OF CAPTAIN JAMES A. "BUBBA" DAVIS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator deGraffenried, the Rules were suspended and the Resolution, H. J. R. 53, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Laird (With Notice and Proof):

H. 131. Relating to Randolph County; to provide for an optional system of motor vehicle tag and decal purchasing by mail; to authorize an additional fee for mailing tags; to provide for the disposition of such fees; to provide that the county commission shall provide such necessary space, personnel, equipment and supplies; and to provide retroactive effect to January 1, 1983.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 131, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Mitchell (With Notice and Proof):

H. 210. To authorize the Pickens County Board of Health to designate the services rendered by the Pickens County Health Department for which a reasonable fee may be charged. The Pickens County Board of Health is further required to set a maximum fee for each service. The Pickens County Health Department may charge and collect such fees. No citizen shall be deprived of any service because that person is unable to pay.

I hereby certify that the Notice & Proof is attached to the Bill,

REGULAR SESSION
4th Day

135

H. B. 210, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 131 and 210. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Mitchell (With Notice and Proof):

H. 9. To provide for branch banking in Pickens County.

I hereby certify that the Notice & Proof is attached to the Bill,
H. B. 9, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Ford and Junkins (With Notice and Proof):

H. 40. To alter or rearrange the boundary lines of the City of Gadsden, Etowah County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Etowah County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill,
H. B. 40, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Ford and Junkins (With Notice and Proof):

H. 42. Relating to the City of Gadsden, Etowah County; to repeal the provisions of the Act No. 83-441, providing for a preferential referendum on the question of a mayor-council form of government and prescribing the time of the election, and repealing conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill,
H. B. 42, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Smith and Grouby (With Notice and Proof):

H. 43. Relating to Chilton County; to provide for an additional expense allowance for the county coroner.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 43, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. White (L) (With Notice and Proof):

H. 54. Relating to Tallapoosa County; providing for a salary schedule for certain employees of the sheriff's department in said county and providing that such schedule shall have retroactive effect to October 1, 1983.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 54, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Onderdonk (With Notice and Proof):

H. 127. Relating to Washington County; providing further for the compensation of members of the county commission; prescribing that the members of the Washington County Commission, except the chairman, shall serve full time as such officers; providing for all fees, commissions or other charges heretofore collected and paid into the county general fund; specifically repealing Act No. 79-181, H. 311, Regular Session 1979 (Acts 1979, p. 291), Act No. 83-585, H. 38, Regular Session 1983, only to the extent these relate to the expense allowances and salary of the members of Washington County Commission, except the chairman, and all laws or parts of laws which provide expense allowances, salary or other compensation for said members are hereby repealed; and providing for an effective date.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 127, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Onderdonk (With Notice and Proof):

H. 128. Relating to Washington County; to provide that the sheriff shall be entitled to the allowances payable by the State, county or municipalities for feeding prisoners housed in the Washington County Jail; and to provide that the provisions of this Act shall be retroactive to January 18, 1983.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 128, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Onderdonk (With Notice and Proof):

H. 129. Relating to Washington County; to provide for the rehabilitation of certain persons, both male and female, convicted of certain types of crimes and sentenced to a term of confinement in certain jails in the county, and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this Act; to provide further for the carrying out of the provisions of this Act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 129, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Laird (With Notice and Proof):

H. 130. To authorize the governing body of Randolph County, Alabama, to levy and collect special county privilege and license taxes, paralleling the state sales taxes provided for in Division 1 of Article I of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended and special county excise taxes paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; to specify the rates at which such taxes may be levied; to provide for the ascertainment, collection, payment, and distribution and use of the proceeds of the said taxes if levied by the said governing body, and for the enforcement of this act by the State Department of Revenue; to specify the maximum duration for which any such taxes may be levied; to provide for the use of said proceeds; to provide that the proceeds of such tax shall be used to pay the cost of constructing, furnishing and maintaining a county jail and/or a county courthouse; to prescribe penalties and fix punishment for violations of this act; to provide for the expiration of those taxes levied and imposed under authority of this act; to make the provisions of this Act retroactive to January 1, 1984; and to provide for the collections of such taxes.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 130, as required in the General Acts of Alabama, Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 9, 40, 42, 43, 54, 127, 128, 129, and 130. To the Committee on Local Legislation No. 1.

REPORT FROM RULES

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 5. NAMING A PORTION OF U.S. HIGHWAY 231, FROM ONEONTA TO ROSA, IN BLOUNT COUNTY, ALABAMA, THE "RAY MARSH DRIVE."

Also:

H. J. R. 21. URGING THE REVENUE DEPARTMENT TO ACCEPT PERSONAL CHECKS FOR ISSUING CERTAIN LICENSES.

Also:

H. J. R. 34. COMMENDING MR. PERCY ROSS, MINNEAPOLIS, MINNESOTA.

On motion of Senator Parsons, the Resolutions were then concurred in and adopted by the Senate.

RESOLUTION

Senator Barron offered the following Senate Resolution to-wit:

S. R. 31. COMMENDING THE MEMBERS OF THE HOLLYWOOD FIRE DEPARTMENT.

WHEREAS, the Alabama Senate notes with utmost commendation the completion of 30 hours of basic firefighting training by members of the Hollywood Fire Department; and

WHEREAS, the training program, funded through the State Forestry Commission, is an arduous course which thoroughly prepares its participants in the basic skills necessary for top performance of duty; and

WHEREAS, Scottsboro Fire Chief Lonnie Webb presented State Fire College certificates from Shelton State Community College to Hollywood firefighters: Rex Tolliver, Will Tate, Rick Harding, Billy F. Machen, Fire Chief Tommy Allen, David Hardric, Bob Gilbert, William Allen, Billy T. Machen, Al Wright and Chris Wright; new members are Carl Stewart and James Hardric; now therefore,

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we hereby most highly commend the members of the Hollywood Fire Department for outstanding achievement and direct that a copy of this resolution be sent to Chief Allen on behalf of the entire department and in token of our heartiest congratulations and sincere regard for their accomplishment.

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 27. CREATING A BUSINESS AND LABOR POLICY GROUP TO STUDY VARIOUS ASPECTS AFFECTING SMALL BUSINESSES.

On motion of Senator Holmes, further consideration of the Resolution, S. J. R. 27, was postponed temporarily.

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the fol-

lowing House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 27. NAMING THE BRIDGE ACROSS LITTLE MULBERRY CREEK ON HIGHWAY 14 AT STATESVILLE, AUTAUGA COUNTY, ALABAMA, THE "BILL NICHOLS BRIDGE".

Also:

H. J. R. 23. MOURNING THE DEATH OF FORMER STATE REPRESENTATIVE IRA DRAYTON PRUITT OF LIVINGSTON, ALABAMA.

Also:

H. J. R. 20. REQUESTING THE GOVERNOR TO PROCLAIM THE WEEK OF MAY 7, 1984, AS ALABAMA SMALL BUSINESS WEEK.

Also:

H. J. R. 19. MOURNING THE DEATH OF MR. E. L. STEWART OF TALLADEGA, ALABAMA.

On motion of Senator Parsons, the Resolutions were then concurred in and adopted by the Senate.

FURTHER CONSIDERATION OF S. J. R. 27

The Senate proceeded to further consideration of the Resolution, S. J. R. 27.

Senator Little offered the following amendment to the Resolution, S. J. R. 27, to-wit:

AMENDMENT TO S. J. R. 27

Amend S. J. R. 27 Page 3 Line 14, by inserting after the word travel the words

"within the State of Alabama"

and furthermore on line 15 — page 3 delete the period(.) and insert the following:

"said reimbursement for travel and necessary expenses shall not exceed a total of \$5000.00 for said committee at large" for a fiscal year.

Which was adopted.

And on motion of Senator Parsons, the Resolution, S. J. R. 27, as thus amended, was then adopted by the Senate.

REPORT FROM RULES

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 18. COMMENDING DR. J. MICHAEL SPROTT FOR MERITORIOUS SERVICE WITH AUBURN UNIVERSITY'S EXTENSION PROGRAM.

Also:

H. J. R. 9. COMMENDING MR. DAVID D. ROBERTS OF MOBILE, PRESENT ELECT OF THE NATIONAL ASSOCIATION OF REALTORS FOR 1984.

Also:

H. J. R. 39. COMMENDING MRS. ELLEN ADAMS FOR OUTSTANDING SERVICE IN THE HEALTH CARE FIELD.

Also:

H. J. R. 38. MOURNING THE DEATH OF THE REVEREND R. LEE FRANKLIN OF MILLBROOK, ALABAMA.

Also:

H. J. R. 36. COMMENDING EMMA SANSOM'S FREDDIE WEYGAND, STATE 3A PLAYER OF THE YEAR.

Also:

H. J. R. 35. COMMENDING MR. AND MRS. VIRGIL HUBBERT ON THEIR FIFTIETH WEDDING ANNIVERSARY.

On motion of Senator Parsons, the Resolutions were then concurred in and adopted by the Senate.

MOTION TO ADJOURN

Senator Little moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, February 21, 1984, at 1:30 P.M., which motion was adopted.

UNFINISHED BUSINESS

BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 79. To amend Section 17-16-6, Code of Alabama 1975, which relates to the time and place for holding primary elections, except special primary elections and presidential preference primaries, so as to provide that primary elections shall be held on the first Tuesday in June, and a runoff election, if necessary, shall be held on the fourth Tuesday thereafter, effective June 5, 1984, and thereafter.

as amended, which said amendment is set out in the Journal of the Senate for the Third Legislative Day.

Senator Figures offered the following amendment to the Bill, S. B. 79, as amended, to-wit:

AMENDMENT TO S. B. 79

Amend Senate Bill No. 79 Page 1 Line 9, by striking out the word "June" after the word "in" and inserting in lieu thereof the word "July"

further amend on line 22 by striking out the word "June" and inserting in lieu thereof the word "July"

further amend on line 32 by striking out the word "June" and inserting in lieu thereof the word "July"

REPORT OF
COMMITTEE ON RULES

Mr. President Pro Tempore:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 120. To authorize and make provision for the incorporation of Railroad Authorities as public corporation for the purpose of acquiring, constructing, equipping, improving, maintaining, developing, and operating railroads, railroad properties and facilities, and other buildings and facilities, terminal and yard facilities, shop and repair facilities, real and personal property used or useful in rail transportation services, including both freight and passenger railroad service, and including the leasing or letting such buildings, structures or facilities, which are being abandoned by any railroad pursuant to final ICC authority; to provide that in order for any such Authority to be organized, application must be made to the governing body of one or more counties, cities or towns in Alabama, as defined, and permission for organization of such Authority must be obtained from any such governing body to which application is made; to provide for the selection of the directors and officers of each such Authority; to specify the powers of each such Authority; to endow each such Authority with eminent domain powers; to exempt each such Authority from laws and regulations relating to the advertising and award by the State and its departments of construction or purchase contracts; to provide that any county, city, town or other political sub-division, public corporation, agency or instrumentality of this State within this State may aid and cooperate with any such Authority in the planning, undertaking, acquisition, construction and operation of railroads, and railroad properties and facilities, and may lend, give, donate, sell, convey or transfer to any such Authority money, property or any right capable of transfer; to provide that no action or suit shall be brought or maintained against the manager or any director of the Authority for or on account of the negligence of the Authority or director or of its or his agents, servants or employees; to authorize the issuance by each such Authority of interest bearing revenue bonds payable solely out of the revenues of the Authority issuing such bonds; to specify provisions of such revenue bonds issued by any such Authority and to provide that such revenue bonds shall be deemed negotiable instruments; to provide that such revenue bonds issued by any such Authority may be secured by pledge of any of the revenues of the Authority issuing such bonds, whether the Authority's right to such revenues then exists or may thereafter come into existence and by mortgage on any property of any such Authority whether then in existence or thereafter acquired; to provide that such pledge may be provided for in an indenture between the Authority issuing such bonds and a trustee or by resolution providing for the issuance of the bonds; to provide that such pledges shall be valid and binding when made and effective against third parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county in which the principal office of the Authority is located and in any other county in which there is located any property of the Authority, the revenues from which are so pledged; to provide that any such Authority may include in any indenture or resolution authorizing the issuance of such bonds provisions customarily contained in instruments securing evidence of indebtedness; to provide that bonds issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the State or of any county, city or town

within the State; to specify the uses to which the proceeds of revenue bonds issued by any such Authority may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds issued by any such Authority and the income therefrom and the property and income of any said Authority; to authorize the investment of any idle funds of any county, city or town within this State in bonds issued by any such Authority; to provide that bonds issued by any such Authority shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by any Authority and specifying the time after such publication within which actions and defenses may be asserted respecting such bonds, pledge and indenture and the proceedings authorizing the same; and to provide for the dissolution of any such Authority and the disposition of its property.

CHARLES BISHOP,
Chairperson.

FURTHER CONSIDERATION OF S. B. 79

The Senate proceeded to further consideration of the Bill, S. B. 79, as amended. The question was on the amendment offered by Senator Figures.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Board of Trustees for Livingston University.

Respectfully submitted,

ELVIN STANTON,
Executive Secretary.

Done this 16th day of February, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the Livingston University Board of Trustees for the term expiring December 27, 1995:

Charles Nolen
Attorney at Law
Court Square
Fayette, AL 35555

Respectfully submitted,
GEORGE C. WALLACE,
Governor.

Done this 16th day of February, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Livingston University Board of Trustees, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Heritage Trust Fund.

Respectfully submitted,
ELVIN STANTON,
Executive Secretary.

Done this 16th day of February, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the Alabama Heritage Trust Fund for the term expiring October 1, 1989:

Kyser Wilson
Rt. 1
Ariton, AL 36311

Respectfully submitted,
GEORGE C. WALLACE,
Governor.

Done this 16th day of February, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Heritage Trust Fund, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Educational Television Commission.

Respectfully submitted,
ELVIN STANTON,
Executive Secretary.

Done this 16th day of February, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the Alabama Educational Television Commission for the term expiring June 25, 1986:

Bill Melson
P. O. Box 1482
201 Carmichael Building
University, AL 35486

Respectfully submitted,
GEORGE C. WALLACE,
Governor.

Done this 16th day of February, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Educational Television Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama Educational Television Commission.

Respectfully submitted,

ELVIN STANTON,
Executive Secretary.

Done this 16th day of February, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the Alabama Educational Television Commission for the term expiring June 25, 1993:

T. T. Martin
128 South
Mobile, AL 36606

Respectfully submitted,
GEORGE C. WALLACE,
Governor.

Done this 16th day of February, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama Educational Television Commission, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the State Textbook Committee.

Respectfully submitted,
ELVIN STANTON,
Executive Secretary.

Done this 16th day of February, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the State Textbook Committee for the term expiring May 1, 1984:

Dr. Leon Bonner
132 Chase Rd., NE
Huntsville, AL 35804

Respectfully submitted,
GEORGE C. WALLACE,
Governor.

Done this 16th day of February, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Textbook Committee, was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. B. 79

The Senate proceeded to further consideration of the Bill, S. B. 79, as amended. The question was on the amendment offered by Senator Figures.

On motion of Senator Langford, said amendment was laid on the table.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the State Textbook Committee.

Respectfully submitted,

ELVIN STANTON,
Executive Secretary.

Done this 16th day of February, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the State Textbook Committee for the term expiring May 1, 1984:

Mrs. W. R. Sutton
P. O. Box B
Blountsville, AL 35031

Respectfully submitted,

GEORGE C. WALLACE,
Governor.

Done this 16th day of February, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Textbook Committee, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the State Textbook Committee.

Respectfully submitted,

ELVIN STANTON,
Executive Secretary.

Done this 16th day of February, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the

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State Textbook Committee for the term expiring May 1, 1984:

Kenneth Cooper
501 East 4th Street
Bay Minette, AL 36507

Respectfully submitted,
GEORGE C. WALLACE,
Governor.

Done this 16th day of February, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Textbook Committee, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the State Textbook Committee.

Respectfully submitted,
ELVIN STANTON,
Executive Secretary.

Done this 16th day of February, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the State Textbook Committee for the term expiring May 1, 1984:

James W. Brown
3883 Faunsdale Drive
Montgomery, AL 36109

Respectfully submitted,
GEORGE C. WALLACE,
Governor.

Done this 16th day of February, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Textbook Committee, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Board of Trustees for Livingston University.

Respectfully submitted,
ELVIN STANTON,
Executive Secretary.

Done this 16th day of February, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the Livingston University Board of Trustees for the term expiring December 27, 1995:

Robert E. Lawson
510 Mathison
Sylacauga, AL 35150

Respectfully submitted,
GEORGE C. WALLACE,
Governor.

Done this 16th day of February, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Livingston University Board of Trustees, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the State Textbook Committee.

Respectfully submitted,
ELVIN STANTON,
Executive Secretary.

Done this 16th day of February, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the State Textbook Committee for the term expiring May 1, 1984:

Dr. Mac Irving
P. O. Box 850
Ozark, AL 36360

Respectfully submitted,
GEORGE C. WALLACE,
Governor.

Done this 16th day of February, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Textbook Committee, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the State Textbook Committee.

Respectfully submitted,
ELVIN STANTON,
Executive Secretary.

Done this 16th day of February, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the State Textbook Committee for the term expiring May 1, 1984:

Rick Hulsey
P. O. Box 238
Auburn, AL 36830

Respectfully submitted,
GEORGE C. WALLACE,
Governor.

Done this 16th day of February, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Textbook Committee, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the State Textbook Committee.

Respectfully submitted,

ELVIN STANTON,
Executive Secretary.

Done this 16th day of February, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the State Textbook Committee for the term expiring May 1, 1984:

Artis McCampbell
P. O. Box 739
Eutaw, AL 35462

Respectfully submitted,

GEORGE C. WALLACE,
Governor.

Done this 16th day of February, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Textbook Committee, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the State Textbook Committee.

Respectfully submitted,

ELVIN STANTON,
Executive Secretary.

Done this 16th day of February, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the State Textbook Committee for the term expiring May 1, 1984:

Mr. Greg Miller
3064 Dug Hill Road
Huntsville, AL 35811

Respectfully submitted,
GEORGE C. WALLACE,
Governor.

Done this 16th day of February, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Textbook Committee, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the State Textbook Committee.

Respectfully submitted,
ELVIN STANTON,
Executive Secretary.

Done this 16th day of February, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the State Textbook Committee for the term expiring May 1, 1984:

Judith R. Doland
8909 Parkway Drive
Birmingham, AL 35206

Respectfully submitted,
GEORGE C. WALLACE,
Governor.

Done this 16th day of February, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the State Textbook Committee, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Board of Trustees for Jacksonville State University.

Respectfully submitted,

ELVIN STANTON,
Executive Secretary.

Done this 16th day of February, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following as a member of the Jacksonville State University Board of Trustees for the term expiring December 28, 1995:

Gladys Carlisle
5255 2nd Court, E
Tuscaloosa, Alabama 35401

Respectfully submitted,

GEORGE C. WALLACE,
Governor.

Done this 16th day of February, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Jacksonville State Board of Trustees, was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. B. 79

The Senate proceeded to further consideration of the Bill, S. B. 79, as amended.

Senator Figures offered the following substitute for the Bill, S. B. 79, as amended, to-wit:

SUBSTITUTE FOR S. B. 79, AS AMENDED**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 17-16-6, Code of Alabama 1975, which relates to the time and place for holding primary elections, except special primary elections and presidential preference primaries, so as to provide that primary elections shall be held on the third Tuesday in August, and a runoff election, if necessary, shall be held on the second Tuesday of the next month, thereafter, effective August 1986, and thereafter.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 17-16-6, Code of Alabama 1975, is hereby amended to read as follows:

“§ 17-16-6.

“Primary elections, except special primary elections and presidential preference primaries, held at the expense of the state or counties, shall be held on the third Tuesday after the first Monday in September ~~August~~. When necessary, as provided in this chapter, a second or runoff primary election shall be held on the ~~third~~ second Tuesday of the next month, thereafter, following said primary election. Any second primary shall be held by the same election officers who held the first primary, and be held at the same places as the first primary election. No primary shall be held by any political party except as herein provided. Primary elections herein provided for shall be held at the regular polling places established for the purpose of holding general elections.”

Section 2. The provisions of this Act shall become effective June 1986, and thereafter.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Board of Trustees for Jacksonville State University.

Respectfully submitted,

ELVIN STANTON,
Executive Secretary.

Done this 16th day of February, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following as a member of the Jacksonville State University Board of Trustees for the term expiring December 28, 1995:

Jim Bennett
1524 Valley Avenue
Homewood, Alabama 35209

Respectfully submitted,

GEORGE C. WALLACE,
Governor.

Done this 16th day of February, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Jacksonville State University Board of Trustees, was

read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to a promotion to Brigadier General in the Army National Guard.

Respectfully submitted,
ELVIN STANTON,
Executive Secretary.

Done this 16th day of February, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to Brigadier General of the Army National Guard effective November 17, 1983:

Colonel Tolly P. Pickett
SSAN: 422-28-6218

Sincerely yours,
GEORGE C. WALLACE,
Governor.

Done this 16th day of February, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a promotion to the rank of Brigadier General in the Army National Guard, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to a promotion to Brigadier General in the Air National Guard.

Respectfully submitted,
ELVIN STANTON,
Executive Secretary.

Done this 16th day of February, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to Brigadier General of the Air National Guard effective November 18, 1983:

Colonel William R. Turnipseed
SSAN: 417-52-9853

Sincerely yours,
GEORGE C. WALLACE,
Governor.

Done this 16th day of February, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a promotion to the rank of Brigadier General in the Air National Guard, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to a promotion to Brigadier General in the Air National Guard.

Respectfully submitted,
ELVIN STANTON,
Executive Secretary.

Done this 16th day of February, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to Brigadier General of the Air National Guard effective June 24, 1983:

Colonel Cecil W. Greene
SSAN: 418-32-0879

Sincerely yours,
GEORGE C. WALLACE,
Governor.

Done this 16th day of February, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a promotion to the rank of Brigadier General in the Air National Guard, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Board of Trustees for Livingston University.

Respectfully submitted,

ELVIN STANTON,
Executive Secretary.

Done this 16th day of February, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the Livingston University Board of Trustees for the term expiring December 27, 1995:

R. R. Johnson
Rt. 1, Box
Aliceville, AL 35442

Respectfully submitted,

GEORGE C. WALLACE,
Governor.

Done this 16th day of February, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Livingston University Board of Trustees, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Board of Trustees for Jacksonville State University.

Respectfully submitted,

ELVIN STANTON,
Executive Secretary.

Done this 16th day of February, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

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Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following as a member of the Jacksonville State University Board of Trustees for the term expiring December 28, 1995:

Paul Carpenter
Ashford, Alabama 36312

Respectfully submitted,
GEORGE C. WALLACE,
Governor.

Done this 16th day of February, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Jacksonville State University Board of Trustees, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to a promotion to Brigadier General in the Army National Guard.

Respectfully submitted,
ELVIN STANTON,
Executive Secretary.

Done this 16th day of February, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to Brigadier General of the Army National Guard effective November 2, 1983:

Colonel Max V. McLaughlin
SSAN: 419-28-1862

Sincerely yours,
GEORGE C. WALLACE,
Governor.

Done this 16th day of February, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to a promotion to the rank of Brigadier General in the Army National Guard, was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. B. 79

The Senate proceeded to further consideration of the Bill, S. B. 79, as amended. The question was on the substitute offered by Senator Figures.

On motion of Senator deGraffenried, said substitute was laid on the table.

Yeas 14; Nays 5.

Yeas:

Senators:	deGraffenried	Langford	Smith (B)	
Aldridge	Ellis	Little	Strong	
Barron	Foshee	Menton	Teague	
Corbett	Holmes	Parsons		—14

Nays:

Senators:	Cabaniss	Hand	Sanders	
Bedsole	Figures			—5

And said Bill, S. B. 79, as amended, was read a third time at length and passed.

Yeas 19; Nays 4.

Yeas:

Senators:	deGraffenried	Holmes	Sanders	
Aldridge	Dial	Langford	Smith (B)	
Barron	Ellis	Little	Smith (J)	
Corbett	Foshee	Menton	Strong	
Covington	Goodwin	Parsons	Teague	—19

Nays:

Senators:	Cabaniss	Figures	Hand	
Bedsole				—4

Senator Sanders moved to reconsider the vote by which the Bill, S. B. 79, as amended, was passed.

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Joint Resolution with the original Senate Joint Resolution, respectively, and finds same correctly engrossed, to-wit:

S. J. R. 27. CREATING A BUSINESS AND LABOR POLICY GROUP TO STUDY VARIOUS ASPECTS AFFECTING SMALL BUSINESSES.

CHARLES BISHOP,
Chairperson.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Coburn:

H. 177. To amend Sections 25-4-55, 25-4-56, 25-4-57, 25-4-58, 25-4-70, 25-4-75 and 25-4-77, Code of Alabama 1975, as last amended so as to provide that the Special Federal Advance Interest Repayment Fund established by ACT 83-178 will be permanently available as mandated by P. L. 98-21, and to provide for disbursement therefrom, and for discontinuing assessments thereafter when no funds are due or needed; and to provide for disposition of any balances in such fund; to expand the provisions of the Code to provide for denial of benefits during customary vacation periods and holiday or other usual recesses to the same extent as now provided for between term and academic year periods; to provide denial of benefits to employees of certain educational service agencies to the same extent and under the same conditions as now provided for employees of educational institutions; and to define "educational service agencies"; and to exempt from disqualification from receiving benefits individuals whose failure to seek work was due to jury duty as defined herein.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 177. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Holley:

H. 159. To repeal Act No. 81-889, S. 32 of the 1981 First Special Session, which proposes a Constitutional Amendment on budgetary matters and the legislative process.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 159. To the Committee on Constitutional Revision.

ADJOURNMENT

At 4 o'clock P.M., on motion of Senator Foshee, in accordance with Motion heretofore adopted, the Senate adjourned until Tuesday, February 21, 1984, at 1:30 P.M.

**FIFTH LEGISLATIVE DAY
TUESDAY, FEBRUARY 21, 1984**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by the Reverend Rurel Ausley, Associate Pastor, Aldersgate United Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Cabaniss	Foshee	Mitchem
Aldridge	Cooley	Goodwin	Parsons
Amari	Corbett	Hand	Pearson
Bailey	deGraffenried	Hilliard	Sanders
Barron	Denton	Holmes	Smith (B)
Bedford	Dial	Langford	Smith (J)
Bedsole	Dixon	Little	Strong
Bennett	Ellis	Menton	Teague
Bishop	Figures		

—33

JOURNAL

On motion of Senator Teague, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Fourth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator Teague, leave of absence was granted Senators Covington and Drinkard for today.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator deGraffenried:

S. 309. To propose and provide for the submission of an amendment

to the Constitution of Alabama of 1901, as amended, replacing and superseding the "Schedule" and specifically items 1 through 6 of the Schedule of the Constitution of 1901, as amended, relating to the transition and continuation of governmental operations, and all other conflicting provisions of said Constitution and amendments thereto; providing for an election thereon and prescribing an effective date for the proposed Amendment.

Committee on Constitutional Revision.

The above Bill was read a first time at length as required by the Constitution.

By Senator deGraffenried:

S. 310. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, replacing and superseding Article XVIII, specifically repealing Sections 284 through 287 of the Constitution of 1901, as amended, relating to the mode of Amending the Constitution, and all other conflicting provisions of said Constitution and amendments thereto; providing for an election thereon and prescribing an effective date for the proposed Amendment.

Committee on Constitutional Revision.

The above Bill was read a first time at length as required by the Constitution.

By Senator deGraffenried:

S. 311. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, replacing and superseding Articles XVI and XVII, specifically repealing Sections 279 through 283, Constitution of 1901, as amended, relating to public office and miscellaneous provisions, and all other conflicting provisions of said Constitution and amendments thereto; providing for an election thereon and prescribing an effective date for the proposed Amendment.

Committee on Constitutional Revision.

The above Bill was read a first time at length as required by the Constitution.

By Senators Mitchem and Little:

S. 312. To provide further for venue with respect to filing petitions to modify divorce decrees relating to child custody and visitation rights.

Committee on Judiciary.

By Senators Cooley, Denton, and Bedford:

S. 313. To amend Section 40-6A-2, Code of Alabama, 1975, which is related to the compensation of the tax assessors, tax collectors, revenue commissioners, license commissioners or other persons charged with assessing and collecting ad valorem taxes in the various counties of this State so as to provide further for the method of payment of salaries established in said chapter.

Committee on Governmental Affairs.

By Senators Mitchem, Little, Barron, Dial, Aldridge, Hand, Bailey, Smith (J), Langford, Holmes, Denton, Foshee, Smith (B), Amari, Goodwin,

Bennett, Cooley, Covington, Dixon, Drinkard, Parsons, Teague, Strong, Hilliard, Corbett, and deGraffenried:

S. 314. To provide that any appropriations made to the Public Education Employees' Health Insurance Board for the purpose of funding a uniform plan of health insurance for educational personnel shall also include an appropriation to the Public Education Employees' Health Insurance Board for partially funding insurance coverage for retired employees.

Committee on Finance and Taxation.

By Senator Teague:

S. 315. To re-open the Retirement Systems of Alabama in order to allow active and contributing members and former such members with vested retirement benefits to claim and purchase credit for military service and to provide for its termination.

Committee on Finance and Taxation.

By Senators Mitchem and Little:

S. 316. To provide for a one-time appropriation from the special educational trust fund to the emergency secondary education scholarship fund for the 1984-85 academic year to become effective on October 1, 1984.

Committee on Finance and Taxation.

By Senators Mitchem and Little:

S. 317. To amend Sections 16-23-18 and 16-23-21 of the Code of Alabama 1975, relating to teacher training and certification, so as to provide further for the emergency secondary education scholarship fund and for regulations and certain penalties relating to recipients of such scholarships.

Committee on Finance and Taxation.

By Senator Goodwin:

S. 318. To make an appropriation for the construction of a physical education and health complex at Alabama State University.

Committee on Finance and Taxation.

By Senator Hilliard (With Notice and Proof):

S. 319. To make certain legislative findings regarding horse racing and pari-mutuel wagering thereon in Class 1 municipalities (now defined by statute to be cities with a population of 300,000 inhabitants or more as certified by the 1970 federal decennial census); to define the particular terms used in the substantive provisions of this Act; to authorize the creation of a racing commission in any Class 1 municipality; to provide for a referendum of the voters of any Class 1 municipality on the question of whether this Act will become effective in such municipality; to provide that horse racing and pari-mutuel wagering thereon shall be lawful in any Class 1 municipality in which a racing commission shall be incorporated pursuant to the provisions of this Act; to provide for the designation or appointment and the terms of office of the members and officers of any such racing commission; to provide for and authorize the incorporation of any such racing commission upon the filing by the members thereof of an application with the Secretary of State; to specify the general powers and duties of any such racing commission, including the power to adopt rules and regulations governing diverse aspects of horse racing, the exposure of the public thereto, and the conduct of pari-

mutuel wagering thereon; to provide for the issuance by any such racing commission of licenses for owners and operators of racing facilities; to prescribe the methods for applying for such licenses, the manner in which such applications are to be reviewed by any such racing commission, and the terms and conditions upon which such licenses shall be granted and held; to provide for the suspension or revocation of any such license; to provide for the issuance by any such racing commission of permits to companies and individuals engaged in certain activities related to horse racing; to prescribe the method for applying for such permits and the manner in which such applications are to be reviewed by any such racing commission; to provide for the suspension or revocation of any such permit; to authorize and provide rules for the conduct of pari-mutuel wagering on horse racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools which are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of a license fee for pari-mutuel wagering by each licensed operator to the racing commission licensing such operator and to specify the method for determining the amount of any such fee; to provide that any such racing commission may enter into contracts with licensed operators to establish limits on the license fees payable by such operators and that any such contract shall not be impaired by a subsequent Act of the Legislature; to authorize any such racing commission to make rules and regulations under which television or radio coverage of racing events held outside the state may be transmitted to racing facilities governed by such racing commission and made the subject of pari-mutuel wagering under the provisions of this Act; to authorize any such racing commission to make rules and regulations under which television or radio coverage of racing events held at racetracks under the jurisdiction of such commission may be transmitted for the entertainment of the public or for the purpose of pari-mutuel wagering at locations outside the state; to provide that a specified percentage of total pari-mutuel wagering revenues shall be used for purses to be paid to the owners of horses competing in races; to provide for the establishment by each racing commission of a special fund for the purpose of promoting the breeding, raising and racing of thoroughbred and standardbred horses in the state, to specify the source and amounts of moneys for such fund, to specify certain purposes for which the moneys in such fund shall be used, and to authorize such racing commission to make rules and regulations for the administration of such fund and the disbursement of moneys therefrom; to specify the purposes for which the net revenues of each racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to prohibit certain activities related to racing events; to provide that certain prohibited activities constitute crimes and to specify the penalties therefor; to provide that the provisions of this Act shall be severable; to provide that this Act shall govern in the event of a conflict between its provisions and existing laws; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise horse racing and pari-mutuel wagering thereon in Class 1 municipalities.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 319, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

RESOLUTIONS

Senator Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 32. COMMENDING DR. WILFRED BAILEY AS INTERIM PRESIDENT OF AUBURN UNIVERSITY.

WHEREAS, the Alabama Legislature joins Auburn University alumni and supporters, both statewide and nationally, in commendation of and in deep gratitude to Dr. Wilfred Bailey; and

WHEREAS, during the past year as Auburn's interim president, Dr. Bailey's achievements have been notable as well as numerous, enabling the University to move forward and even to continue in progress and in growth; and

WHEREAS, among many other accomplishments, Dr. Bailey made significant advancement in Auburn's building programs and renovations, completed the self-study requirements of the Southern Association of Colleges and Schools for accreditation, continued the in-progress Auburn Generations Fund and its goal of \$61.7 million, and formally launched the School of Education's Truman Pierce Institute for Advanced Education; and

WHEREAS, other major developments in a number of areas may also be attributed to Dr. Bailey's leadership and administrative guidance; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express Alabama's gratitude to Dr. Wilfred Bailey of Auburn University; we are further grateful that Dr. Bailey continues in service to Auburn through his professorship in the School of Veterinary Medicine and as chairman of the Faculty Athletic Committee.

BE IT FURTHER RESOLVED, That in token of our deepest admiration and esteem, a copy of this resolution shall be forwarded to Dr. Bailey.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Little then offered the following Senate Joint Resolution, to-wit:

S. J. R. 33. DESIGNATING THE WEEK OF FEBRUARY 26, 1984, AS "ALABAMA ARTS REFUND WEEK".

WHEREAS, the Alabama Legislature created the Alabama Arts Development Fund allowing Alabama taxpayers to donate portions of their tax refund to the arts through the Alabama Arts Refund Program; and

WHEREAS, the Alabama State Council on the Arts has initiated a corporate development program to encourage a partnership between businesses and the arts; and

WHEREAS, Aetna Life and Casualty Foundation is matching individual contributions made to the Alabama Arts Refund Program to fund the Alabama Arts Alliance, statewide community arts development and the artist residency program; and

WHEREAS, the Alabama Arts Alliance Program will commence on February 28, 1984, with participating arts organizations from Opelika, Guntersville, Florence, Sylacauga, Huntsville, Birmingham, Montgomery, and Mobile; and

WHEREAS, the Alabama Legislature commends the Alabama State Council on the Arts and Aetna Life and Casualty Foundation for their promotion of the arts in Alabama and the development of the Alabama Arts Alliance program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate the week of February 26, 1984, as Alabama Arts Refund Week in recognition of these achievements.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 4. URGING THE OBSERVANCE OF GRANDPARENT'S DAY IN ALABAMA.

Also:

S. J. R. 5. COMMENDING MISS VALERIE RHEA BENDALL AS NATIONAL MAID OF COTTON.

Also:

S. J. R. 6. MOURNING THE DEATH OF FORMER STATE REPRESENTATIVE TRAM SESSIONS.

Also:

S. J. R. 10. NAMING THE BRIDGE ACROSS LITTLE MULBERRY CREEK ON HIGHWAY 14 AT STATESVILLE, AUTAUGA COUNTY, ALABAMA, THE "BILL NICHOLS BRIDGE".

Also:

S. J. R. 13. COMMENDING THE AUBURN UNIVERSITY TIGERS AS THE NUMBER ONE COLLEGIATE FOOTBALL TEAM IN AMERICA.

Also:

S. J. R. 14. REQUESTING THE GOVERNOR TO PROCLAIM THE WEEK OF MAY 7, 1984, AS ALABAMA SMALL BUSINESS WEEK.

Also:

S. J. R. 19. COMMENDING MR. THERMON PHILLIPS, A DISTRICT DIRECTOR OF U. S. STEEL.

CHARLES BISHOP,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a

quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORTS OF COMMITTEES

Senator Foshee, Chairperson of the Standing Committee on Buildings and Grounds, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Bishop, Corbett, Denton, Dixon, Holmes, Hand, deGraffenried, and Bailey:

S. 308. To prohibit for a period of three (3) years from the enactment hereof all legalized pari-mutuel or other forms of gambling in this state, to create a commission to comprehensively study all impacts of the pending legislation relating to gambling, to provide for the duration, composition, meetings, office space, compensation and reporting of said committee.

Senator Bailey, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Denton (With Amendment):

S. 82. To amend section 32-5-17, Code of Alabama 1975, relating to the nuisance of casting a light from a motor vehicle on real property at night, so as to change the hours of its effect.

Senator Bailey, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were read a second time and placed on the calendar, to-wit:

By Senator Little:

S. 156. To amend section 3-1-29 of the Code of Alabama 1975, which section prohibits certain activities relating to fighting of dogs, so as to provide further for procedures relating to such prohibited activities.

By Senator Bailey:

S. 201. Relating to the promotion of the production, research, distribution, marketing, use, improvement and sale of soybeans and soybean products; to amend Section 2-8-89 of the Code of Alabama 1975, to provide that the assessment levied upon the sale of soybeans shall not exceed two cents per net bushel after deductions for foreign material on any soybeans sold by producers.

Senator Dial, Chairperson of the Standing Committee on Military Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Teague (With Substitute):

S. 255. To reopen the State of Alabama retirement systems for certain military service; to provide that as a prerequisite to obtaining such credit,

said members must be active and contributing members of any of the State of Alabama retirement systems; to provide for the payment by the members of such service; and to provide for its termination.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Cooley (With Substitute):

S. 221. To provide that funds appropriated under the Education Appropriations Act for the funding of two (2) days personal leave shall be made available to employees for personal reasons.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Bedsole, Bailey, Covington, Smith (J), Smith (B), and Dial (With Substitute) (With Amendment):

S. 113. To provide that local city and county boards of education, boards of trustees of colleges and universities and governing boards of other public supported education institutions shall provide certain leave options for tenured employees who serve in the Alabama legislature.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Cooley:

S. 299. To provide that not more than fifteen minutes of the required scholastic day may be spent on clerical or non-instructional duties. To further provide each teacher a duty-exempt lunch period for at least 30 minutes of each school day.

Senator deGraffenried, Chairperson of the Standing Committee on Constitutional Revision, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Holley:

H. 159. To repeal Act No. 81-889, S. 32 of the 1981 First Special Session, which proposes a Constitutional Amendment on budgetary matters and the legislative process.

BILL RECONSIDERED

The Senate proceeded to consideration of the Bill, S. B. 79, as amended. The question was on the motion to reconsider said Bill.

On motion of Senator Langford, the motion to reconsider was laid on the table.

And said Bill, S. B. 79, as amended, was ordered sent forthwith to the House.

RESOLUTIONS

Senator Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 34. CREATING A JOINT INTERIM COMMITTEE TO STUDY HEALTH PLANNING, MEDICAID AND MEDICAID EXPENSES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an interim committee to study any and all aspects of health planning and prior duties of the state health planning and development agency. Also, the said committee shall study all aspects of medicaid and medicaid expenses. Such committee shall be composed of four members of the House of Representatives, to be appointed by the Speaker of the House, and four members of the Senate, to be appointed by the Lieutenant Governor. The chairman and a co-chairman of the committee shall be chosen from among its members. The chairman or co-chairman shall preside over the meetings of the committee. The committee shall have subpoena power.

The members of the committee shall be entitled to their regular pay and per diem expenses, including mileage, for each day in which they are engaged in Committee work. Such pay and expenses shall be paid out of any available funds appropriated for use of the legislature. Provided, that the total expenditures of the committee shall not exceed \$7,500.

The committee shall report its findings, comments and suggestions to the legislature by the third day of the Regular Session of 1985, on which date the interim committee hereby established shall automatically be terminated.

Which was read and referred to the Standing Committee on Rules.

Senator Little then offered the following Senate Resolutions, to-wit:

S. R. 35. HONORING MASTER BARRY DUBOSE OF OPELIKA, 1984, ALABAMA EASTER SEAL POSTER CHILD.

Also:

S. R. 36. COMMENDING MR. PRESTON GRAVES AS ALEXANDER CITY'S MAN OF THE YEAR.

Which were read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

The Bill:

S. 248. Relating to Cullman County, to amend Sections 1 and 2 of Act No. 515, S. 755, 1977 Regular Session (Acts 1977, p. 681), which deals with "flea" markets operating on Sunday, so as to provide for nurseries and other businesses to operate on Sundays during certain business hours.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, S. B. 248, to-wit:

SUBSTITUTE FOR S. B. 248

A BILL
TO BE ENTITLED
AN ACT

Relating to Cullman County; to amend the title and Section 1 of Act No. 515, S. 755, 1977 Regular Session (Acts 1977, p. 681), which deals with "flea" markets operating on Sunday, so as to provide for nurseries and other businesses to operate on Sundays during certain business hours and providing that the provision of subsection (c) of Section 1 of this Act relating to businesses other than nurseries shall not become effective until approved at a referendum election held for such purpose.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act No. 515, S. 755, Regular Session 1977 (Acts 1977, p. 681) is hereby amended to read as follows:

"An Act Relating to Cullman County; providing for flea markets, nurseries and other businesses to operate on Sundays and providing that the provisions of Section 1(c) of this Act relating to businesses other than nurseries shall not become effective until approved at a referendum election."

Section 2. Section 1 of Act No. 515, S. 755, 1977 Regular Session (Acts 1977, p. 681) is hereby amended to read as follows:

"Section 1. (a) It shall be lawful for any 'flea' market, as defined herein, to remain open all day for business on Sunday in Cullman County; provided that each such 'flea' market shall first obtain a special annual license to operate during such hours on Sunday from the license issuing officer of Cullman County. The license issuing officer of said county shall issue a license only to such 'flea' markets as shall pay a license fee of \$25.00. All such fees shall be paid into the general fund of Cullman County. For the purposes of this Act the words 'flea market' shall mean and include any market place, street market or other place of business where cheap useful and ornamental objects or second hand goods or both are sold, bartered or exchanged.

"(b) It shall be lawful for any nursery or nursery dealer that engages in the selling of nursery stock to remain open all day for business on Sunday in Cullman County.

"(c) It shall be lawful for all other merchants or shopkeepers to remain open for business on Sunday in Cullman County from 1:00 p.m. until 6:00 p.m. No employee of any business opened on Sunday under provisions of this Act shall be discharged because they have refused to work on Sunday.

"It is further provided that this subsection shall be inoperative and void unless it shall have been approved by a majority of qualified electors of Cullman County who vote thereon at a referendum election held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution, and shall be held on the same day as the March 13, 1984 primary election held after final passage of this Act. Notice of the election may be given by the judge of probate of Cullman County, which notice may be published before the day of the election, the expense of which shall be paid by the Cullman County Commission. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

"Should any merchant or storekeeper in Cullman County be allowed to remain open for business from 1:00 p.m. until 6:00 p.m. on Sunday?"

Yes () No ().

"If a majority of the votes cast at the election are affirmative votes, this subsection shall be in full force and effect immediately thereafter. If a majority of the votes cast are negative, this subsection shall have no further effect. The judge of probate of Cullman County shall certify the results of the election to the Secretary of State within thirty days after the returns have been canvassed.

"Section 2. Any merchant or shopkeeper that remains open at any time on Sunday which is contrary to the restrictions set out in Section 1 of this Act, in addition to the criminal penalty as set out in Code of Alabama 1975, Section 13A-12-1, as amended, shall be enjoined from remaining open on Sunday, by the Circuit Judge, upon petition filed on behalf of the State of Alabama by the District Attorney, Assistant District Attorney or other state prosecutor."

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Mitchem	
Aldridge	Cooley	Hand	Parsons	
Amari	Corbett	Holmes	Smith (B)	
Barron	Denton	Langford	Smith (J)	
Bedford	Dial	Little	Strong	
Bedsole	Dixon	Menton	Teague	
Bennett	Ellis			—25

Nays: —0

And said Bill, S. B. 248, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Mitchem	
Aldridge	Cooley	Hand	Parsons	
Amari	Corbett	Holmes	Smith (B)	
Barron	Denton	Langford	Smith (J)	
Bedford	Dial	Little	Strong	
Bedsole	Dixon	Menton	Teague	
Bennett	Ellis			—25

Nays: —0

RESOLUTION

Senator Dixon offered the following Senate Resolution, to-wit:

S. R. 37. SETTING THE PROCEDURE TO BE FOLLOWED PRIOR TO THE CONVENING OF THE SENATE.

BE IT RESOLVED BY THE ALABAMA SENATE, That immediately prior to the convening of the Senate, as provided in Rule 1 of the Senate Manual, adopted in 1983, the following procedure shall be followed:

(1) The presiding officer shall call for a prayer to be delivered by the Chaplain of the Day.

(2) The presiding officer shall then call for recitation of the Pledge of Allegiance to the Flag of the United States of America.

Which was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 28. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Psychology as provided in Sections 34-26-1 through 34-26-48, Code of Alabama 1975, and the Legislature's concurrence thereof.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Little	
Aldridge	Corbett	Goodwin	Mitchem	
Bailey	Denton	Hand	Pearson	
Bedsole	Dixon	Hilliard	Smith (J)	
Bennett	Ellis	Langford	Strong	—19

Nays: —0

The Bill:

S. 29. Relating to the Alabama Sunset law; to continue the existence and functioning of the Alabama State Board of Public Accountancy as provided in Sections 34-1-1 through 34-1-22, Code of Alabama 1975, and the legislature's concurrence thereof.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Langford	
Aldridge	Corbett	Foshee	Little	
Bailey	Denton	Goodwin	Mitchem	
Bedsole	Dial	Hand	Smith (J)	
Bishop	Dixon	Hilliard		—18

Nays: —0

The Bill:

S. 31. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Funeral Service as provided in Sections 34-13-1 through 34-13-31, Code of Alabama 1975, and the legislature's concurrence thereof.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Little	
Aldridge	Corbett	Goodwin	Mitchem	
Bailey	Denton	Hand	Smith (B)	
Bedsole	Dial	Hilliard	Smith (J)	
Bishop	Dixon	Langford	Strong	—19

Nays:

—0

The Bill:

S. 32. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Real Estate Commission as provided in Sections 34-27-1 through 34-27-38, Code of Alabama 1975, and the legislature's concurrence thereof.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Little	
Aldridge	Corbett	Goodwin	Mitchem	
Bailey	Denton	Hand	Smith (B)	
Bedsole	Dial	Hilliard	Smith (J)	
Bishop	Dixon	Langford	Strong	—19

Nays:

—0

The Bill:

S. 33. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Alcoholic Beverage Control Board as provided in Sections 28-3-40 through 38-3-53, Code of Alabama 1975, and the legislature's concurrence thereof.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Menton	
Aldridge	Denton	Goodwin	Mitchem	
Bailey	Dial	Hand	Parsons	
Bedsole	Dixon	Hilliard	Smith (B)	
Bishop	Ellis	Little	Smith (J)	
Cabaniss				—20

Nays:

—0

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The Bill:

S. 34. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Insurance Department as provided in Sections 27-2-1 through 27-2-55, Code of Alabama 1975, and the legislature's concurrence thereof.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Menton	
Aldridge	Dial	Hand	Mitchem	
Bailey	Dixon	Hilliard	Parsons	
Bedsole	Ellis	Langford	Smith (B)	
Cabaniss	Foshee	Little	Smith (J)	
Corbett				—20

Nays: —0

The Bill:

S. 35. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Securities Commission as provided in Sections 8-6-50 through 8-6-60, Code of Alabama 1975, and the legislature's concurrence thereof.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Little	
Aldridge	Denton	Goodwin	Mitchem	
Barron	Dial	Hand	Parsons	
Bedsole	Dixon	Hilliard	Smith (B)	
Bishop	Ellis	Langford	Strong	
Cabaniss				—20

Nays: —0

The Bill:

S. 36. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Pilotage Commissioners as provided in Sections 33-4-1 through 33-4-14, Code of Alabama 1975, and the legislature's concurrence thereof.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Bishop	Dixon	Hilliard	
Aldridge	Cabaniss	Ellis	Langford	
Bailey	Corbett	Foshee	Little	
Barron	Denton	Goodwin	Mitchem	
Bedsole	Dial	Hand	Parsons	—19

Nays: —0

The Bill:

S. 37. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Public Service Commission as provided in Sections 37-1-1 through 37-1-157, Code of Alabama 1975, and the legislature's concurrence thereof.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Langford	
Aldridge	Corbett	Foshee	Little	
Bailey	deGraffenried	Goodwin	Mitchem	
Bedsole	Denton	Hand	Strong	
Bishop	Dial	Hilliard		—18

Nays:

—0

The Bill:

S. 38. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Professional Entomologists, horticulturists, plant pathologists, floriculturists and tree surgeons examining board as provided in Sections 2-28-1 through 2-28-12, Code of Alabama 1975, and the legislature's concurrence thereof.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Menton	
Aldridge	deGraffenried	Hand	Mitchem	
Bailey	Denton	Hilliard	Sanders	
Barron	Dial	Holmes	Smith (B)	
Bedsole	Dixon	Langford	Smith (J)	
Bishop	Ellis	Little	Strong	
Cabaniss	Foshee			—25

Nays:

—0

The Bill:

S. 39. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Heating, Air Conditioning, Roofing and Sheet Metal Contractors as provided in Sections 34-31-1 through 34-31-34, Code of Alabama 1975, and the legislature's concurrence thereof.

was taken up.

Senator Corbett offered the following substitute for the Bill, S. B. 39, to-wit:

SUBSTITUTE FOR S. B. 39

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and

functioning of the State Board of Heating and Air Conditioning Contractors as provided in Sections 34-31-18 through 34-31-34, Code of Alabama 1975, and the legislature's concurrence thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the State Board of Heating and Air Conditioning Contractors, and voted to recommend the continuance of the board created and functioning pursuant to Sections 34-31-18 through 34-31-34, Code of Alabama 1975, which Code sections are expressly continued.

Section 2. The Legislature concurs in the recommendations of the Sunset Committee provided in Section 1 of this Act.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Langford	
Aldridge	Corbett	Foshee	Little	
Bailey	deGraffenried	Goodwin	Menton	
Barron	Denton	Hand	Smith (B)	
Bedsole	Dial	Hilliard	Smith (J)	
Bishop	Dixon	Holmes	Strong	—23

Nays: —0

And said Bill, S. B. 39, as thus amended by the substitute, was read a third time at length and passed and ordered sent forthwith to the House.

Yeas 23; Nays 1.

Yeas:

Senators:	Cabaniss	Foshee	Little	
Aldridge	Corbett	Goodwin	Menton	
Bailey	deGraffenried	Hand	Mitchem	
Bedford	Denton	Hilliard	Parsons	
Bedsole	Dixon	Holmes	Smith (B)	
Bishop	Ellis	Langford	Strong	—23

Nay: Senator Dial —1

The Bill:

S. 40. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Mine Personnel as provided in Sections 25-9-1 through 25-9-370, Code of Alabama 1975, and the legisla-

ture's concurrence thereof.

was taken up.

On motion of Senator Corbett, further consideration of the Bill, S. B. 40, was postponed subject to the call of the Chair.

The Bill:

S. 41. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbing Examiners Board as provided in Section 40-12-145, Code of Alabama 1975, and the legislature's concurrence thereof. was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Little	
Aldridge	Denton	Hand	Menton	
Bailey	Dixon	Hilliard	Mitchem	
Bedsole	Ellis	Holmes	Smith (J)	
Bishop	Foshee	Langford	Strong	
Corbett				—20

Nays: —0

The Bill:

S. 42. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Liquified Petroleum Gas Board as provided in Sections 9-17-100 through 9-17-110, Code of Alabama 1975, and the legislature's concurrence thereof.

was taken up.

Senator Corbett offered the following amendment to the Bill, S. B. 42, to-wit:

AMENDMENT TO S. B. 42

Amend Senate Bill No. 42 Page 1 Lines 9, 19 and 28 by striking out the word "Liquified"

and inserting in lieu thereof the word "Liquefied"

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Mitchem	
Aldridge	Corbett	Foshee	Parsons	
Bailey	deGraffenried	Goodwin	Smith (B)	
Bedford	Denton	Hand	Smith (J)	
Bedsole	Dial	Hilliard	Strong	
Bishop	Dixon	Langford		—22

Nays: —0

And said Bill, S. B. 42, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House.

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Yeas 23; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Little	
Aldridge	Corbett	Foshee	Mitchem	
Bailey	deGraffenried	Goodwin	Parsons	
Bedford	Denton	Hand	Smith (B)	
Bedsole	Dial	Hilliard	Smith (J)	
Bishop	Dixon	Langford	Strong	—23

Nays: —0

The Bill:

S. 43. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Auctioneers as provided in Sections 34-4-1 through 34-4-54, Code of Alabama 1975, and the legislature's concurrence thereof.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Little	
Aldridge	Corbett	Goodwin	Menton	
Bailey	deGraffenried	Hand	Mitchem	
Bedford	Denton	Hilliard	Parsons	
Bedsole	Dial	Holmes	Smith (B)	
Bishop	Dixon	Langford	Smith (J)	—23

Nays: —0

The Bill:

S. 44. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Nursing as provided in Sections 34-21-1 through 34-21-26, Code of Alabama 1975, and the legislature's concurrence thereof.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Little	
Aldridge	Corbett	Goodwin	Menton	
Bailey	deGraffenried	Hand	Mitchem	
Bedford	Denton	Hilliard	Parsons	
Bedsole	Dial	Holmes	Smith (B)	
Bishop	Dixon	Langford	Smith (J)	—23

Nays: —0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 38. RESOLVED BY THE SENATE That the following bills in

the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the fifth legislative day of the 1984 Regular Session only:

Inst Id		Page
S. 22	Hazardous Waste Management Act, permit review alt., cert. terms defined, transporting reg., civil penalties, Secs. 22-30-3, 22-30-12, 22-30-13, 22-30-15, 22-30-16, 22-30-17, 22-30-18, 22-30-19, 22-30-21 am'd.	24
S. 54	Legislative services, method of funding.	14
S. 176	Tennessee Valley Authority Exhibit Commission, established.	32

On motion of Senator deGraffenried, the Resolution was adopted by the Senate.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 22. To amend the "Hazardous Waste Management Act of 1978," as amended, specifically amending Sections 22-30-3, 22-30-12, 22-30-13, 22-30-15, 22-30-16, 22-30-17, 22-30-18, 22-30-19 and 22-30-21, Code of Alabama 1975, so as to clarify the definition of disposal and add a definition of transporter; ensure that the Alabama Department of Environmental Management (ADEM) has sufficient time to review permit applications prior to approval or disapproval; more fully define the responsible party for permit issuance; require that out-of-state shipments of hazardous waste be transported to and disposed of at only those facilities which have been approved by the United States Environmental Protection Agency (EPA) or a state pursuant to a hazardous waste management program approved by EPA; clarify the Alabama program's authority to promulgate transporter regulations to protect human health and the environment; clarify the application of trade secret protection; clarify and enlarge the penalties section by amending the civil monetary penalties section, eliminating duplicate criminal liability provisions and clarifying the state's authority to require correction of violations; provide that the 90-day exemption relating to the storage of hazardous waste applies only to on-site storage by the generators of such waste; provides for further regulation of certain transporters; and allows the substitution of proper shipping papers for the manifest for certain transporters.

The Standing Committee on Health and Welfare reported the following substitute for the Bill, S. B. 22, to-wit:

SUBSTITUTE FOR S. B. 22

A BILL TO BE ENTITLED AN ACT

To amend the "Hazardous Waste Management Act of 1978," as amended, specifically amending Sections 22-30-3, 22-30-12, 22-30-13, 22-30-15, 22-30-16, 22-30-17, 22-30-18, 22-30-19 and 22-30-21, Code of Alabama

1975, so as to clarify the definition of disposal and add a definition of transporter; ensure that the Alabama Department of Environmental Management (ADEM) has sufficient time to review permit applications prior to approval or disapproval; more fully define the responsible party for permit issuance; require that out-of-state shipments of hazardous waste be transported to and disposed of at only those facilities which have been approved by the United States Environmental Protection Agency (EPA) or a state pursuant to a hazardous waste management program approved by EPA; clarify the Alabama program's authority to promulgate transporter regulations to protect human health and the environment; clarify the application of trade secret protection; clarify and enlarge the penalties section by amending the civil monetary penalties section, eliminating duplicate criminal liability provisions and clarifying the state's authority to require correction of violations; provide that the 90-day exemption relating to the storage of hazardous waste applies only to on-site storage by the generators of such waste; provides for further regulation of certain transporters; and allow the substitution of proper shipping papers for the manifest for certain transporters.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 22-30-3, 22-30-12, 22-30-13, 22-30-15, 22-30-16, 22-30-17, 22-30-18 and 22-30-19, Code of Alabama 1975, are hereby amended to read as follows:

“§ 22-30-3

“When used in this chapter and except where the context prohibits, the following words and terms shall have the following meanings:

“(1) BOARD. The Alabama department of environmental management.

“(2) DISPOSAL. The ultimate introduction of hazardous wastes into the environment. The discharge, deposit, injection, dumping, spilling, leaking or placing of any hazardous waste into or on any land or water so that such hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

“(3) DISPOSAL SITE. The location where any ultimate disposal of hazardous waste occurs.

“(4) GENERATOR. Any person who utilizes any process which results in the production of hazardous waste.

“(5) HAZARDOUS WASTE. A waste, or combination of wastes, which, because of its quantity, concentration or physical, chemical or infectious characteristics may:

“a. Cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illnesses; or

“b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed.

Radioactive waste and by-products as defined by chapter 14 of this title, are expressly excluded from this definition.

“(6) HAZARDOUS WASTE MANAGEMENT. The systematic and comprehensive management of the generation, storage, transportation,

treatment, recycling, recovery or disposal of hazardous waste materials.

“(7) HAZARDOUS WASTE TECHNICAL ADVISORY COMMITTEE. The committee as provided in section 22-30-8.

“(8) MANIFEST. The form adopted by the board used for identifying the quantity, composition, origin, routing and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment or storage.

“(9) PERPETUITY. For the purposes of this chapter, such term shall mean a period of 200 years following closure of the facility.

“(10) PERSON. Any and all persons, natural or artificial, including, but not limited to any individual, partnership, association, society, joint stock company, firm, company, corporation, institution, trust, estate, or other legal entity or other business organization or any governmental entity, and any successor, representative, agent or agency of the foregoing.

“(11) WASTE. Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining and agricultural operations and from community activities, including any material to be discarded by a generator, but such term does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).

“(12) TRADE SECRET. Such term includes, but is not limited to, any formula, plan, pattern, process, tool, mechanism, compound, or procedure, as well as production data or compilation of information, financial and marketing data, which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce or compound an article of trade or a service having commercial value, and which gives its user an opportunity to obtain a business advantage over competitors who do not know of it.

“(13) TRANSPORTATION. The movement of wastes from the point of generation to any intermediate transfer points, and finally to the site of final disposal site.

“(14) TRANSPORTER. A person engaged in the off-site transportation of hazardous waste by air, rail, highway or water.

“(15)(14) TREATMENT. The physical or chemical treatment, recovery, detoxification, neutralization, incineration, biodegradation, separation, fixation or otherwise modification of a potentially hazardous waste to remove or reduce its harmful properties or characteristics.

“(16)(15) TREATMENT FACILITY. A location at which wastes are subjected to treatment, and may include a facility where waste has been generated.

“(17)(16) STORAGE. The actual or intended containment of wastes, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such wastes.

“(18)(17) STATE BOARD OF HEALTH. The Alabama department of environmental management.

"(19)(18) STATE HEALTH OFFICER. The director of the Alabama department of environmental management."

"§ 22-30-12.

"(a) Not later than February 8, 1979, the board shall promulgate a permit program for hazardous waste management practices and promulgate criteria for issuing permits and regulations identifying procedures for obtaining permits or approval.

"(b) The board shall encourage and utilize, to the maximum extent, private enterprise and investment capital in the planning, design, construction and operation of hazardous waste processing facilities and disposal sites.

"(c) General requirements:

"(1) The board shall issue permits for all hazardous waste transportation, storage or treatment facilities and disposal sites constructed and operated in compliance with the regulations, guidelines and standards promulgated by the board. Before any disposal site permit is issued, the board shall give proper notice of the application therefor to the appropriate local governing bodies having jurisdiction over the proposed site and shall hold a public hearing on the matter. ~~The board must approve or disapprove the application within 90 days. Any application not receiving action by the board in the specified time shall be considered approved.~~ The board shall act with all reasonable speed in reviewing the application consistent with protecting the public health and the environment.

"(2) Upon filing of an application by any person proposing to transport, store, treat or dispose of hazardous wastes, the board is authorized to investigate the equipment, facilities and proposed practices of the applicant and all other circumstances and conditions deemed material by the board. The board is authorized to collect from the applicant an amount equal to its expenses in making the investigation.

"(3) No person shall engage in transporting, storage, treatment or disposal of hazardous wastes without a permit or prior approval from the board. Generators of hazardous waste who merely concentrate and/or prepare such waste for shipment and do not engage in the transportation, storage, treatment or disposal of hazardous waste are exempt from the permit requirement.

"(4) Any person proposing to transport hazardous waste or to construct and operate a site ~~for the hazardous waste storage, or treatment facility and/or disposal site of hazardous waste~~ shall submit, prior to the granting of any permit, a surety bond in which the applicant is the principal obligor and the board is the obligee, or evidence satisfactory to the board of a net worth of an amount equal to 10 times the value of the proposed surety bond. The amount of the bond shall be determined by the board in each individual case, based upon the scope and size of the operation proposed.

"(5) No person owner or operator shall commence construction of any proposed hazardous waste transportation, storage or treatment facility or disposal site without having first filed an application for and received a construction permit from the board.

"(6) No person owner or operator shall commence operation of any hazardous waste transportation, storage or treatment facility or disposal site without having first obtained a permit from the board.

"(7) No person shall deliver any hazardous wastes to a hazardous

waste transportation, storage or treatment facility or hazardous wastes disposal site which has not received a permit from the board.

~~“(8) - Ownership of hazardous waste shall transfer upon receipt of the hazardous waste unless otherwise provided.~~

~~“(8)(9) Existing facilities and sites shall~~ may be granted a permit variance subsequent to sufficient evidence being presented at a hearing to assure that the facility or site is, or will be within a reasonable period of time, in compliance with the rules and regulations, guidelines, criteria and standards promulgated by the board.

~~“(9)(10) Permits or licenses for all hazardous waste transportation, storage or treatment facilities and disposal sites previously issued by the board or by any other agency of the state under any statute shall continue in effect for a minimum period of 60 days following the effective date of the rules and regulations promulgated under this chapter and for such additional period as the board may by rule establish.~~

~~“(10)(11) No provisions of this chapter shall be construed to prohibit disposal of hazardous waste at the site of production or generation if the disposal site is in compliance with this chapter or rules and regulations promulgated hereunder and such disposal does not present an imminent and substantial endangerment to health or the environment.~~

~~“(d) Upon a determination by the board of noncompliance by a facility or site having a permit under this section with the requirements of this section or of noncompliance with the responsibilities set forth in sections 22-30-14, 22-30-15 and 22-30-16, the board may revoke such permit.”~~

~~“§ 22-30-13.~~

~~“All persons generating hazardous wastes shall dispose of such wastes in accordance with one of the following methods which shall be detailed by regulations:~~

~~“(1) A generator may dispose of such wastes at its own private site, provided such site is operated under a valid permit from the board.~~

~~“(2) A generator may dispose of such wastes at a privately or publicly owned or operated disposal site, provided such site is owned and operated under a valid permit from the board or, if it is out of state, approved by that state's approving authority either the United States Environmental Protection Agency or a state pursuant to a hazardous waste management program approved by the United States Environmental Protection Agency.~~

~~“(3) A generator may contract dispose of such wastes by contracting with a private transporter to dispose of transport such wastes to a disposal site, provided the transporter is operating under a valid permit from the board and disposes of transports the waste at to a disposal site which is operated under a valid permit by the board or, if out of state, approved by that state's approving authority either the United States Environmental Protection Agency or a state pursuant to a hazardous waste management program approved by the United States Environmental Protection Agency.~~

~~“(4) A generator may dispose of such wastes at a public site operated under a valid permit from the board or, if out of state, approved by that state's approving authority either the United States Environmental Protection Agency or a state pursuant to a hazardous waste management program approved by the United States Environmental Protection Agency.”~~

~~“§ 22-30-15.~~

"The transporter of hazardous waste shall be responsible for the following: Subject to section 22-30-21, the board shall promulgate regulations establishing such standards, applicable to transporters of hazardous waste identified or listed under this chapter, as may be necessary to protect human health and the environment. Such standards shall include but not be limited to the following:

"(1) Obtaining a permit from the board;

"(1)(2) Complete the manifest form in conjunction with the generator;

"(2)(3) Assure that all hazardous wastes are brought to a permitted hazardous waste treatment or storage facility or disposal site;

"(3)(4) Maintain records of hazardous waste transported; and

"(4)(5) Transporting such waste only if properly labeled."

"§ 22-30-16.

"The owner or operator of a hazardous waste storage or treatment facility and/or hazardous waste disposal site shall be responsible for:

"(1) Obtaining a permit from the board for each treatment or storage facility or disposal site;

"(2) Acknowledging receipt of the hazardous waste accompanied by the manifest;

"(3) Assuring that all hazardous wastes are stored, treated and/or disposed of in accordance with the applicable rules and regulations, standards, criteria and guidelines promulgated by the board;

"(4) Maintaining records of all hazardous wastes stored, treated and/or disposed of and report any new processing or disposal monthly;

"(5) Developing contingency plans for effective action to minimize unanticipated damage for from treatment, storage or disposal of hazardous waste;

"(6) Satisfactory reporting, monitoring and inspection of for compliance with the manifest system;

"(7) Compliance with rules and regulations of the board concerning the location, design and construction of such hazardous waste treatment, disposal or storage facilities;

"(8) Posting a bond, or other surety or form of financial assurance acceptable to the board, payable to the state of Alabama in the amount of \$1,000,000.00, or such other amount as may be required by the board, but in no event shall said bond or such other financial assurance be in an amount less than that required by the United States Environmental Protection Agency. Said bond or other financial assurance shall be conditioned upon compliance with this section, and the rules, regulations, orders or other requirements as may be promulgated by the board; and

"(9) The maintenance and operation of such facilities and observances of such additional qualifications as to ownership, methods and operation, training of personnel and financial responsibility as may be deemed necessary or desirable by the board.

"§ 22-30-17 Manifest.

"(a) The board shall develop and promulgate a manifest. The hazard-

ous waste technical advisory committee shall review the manifest and submit recommendations to the board.

“(b) The board shall, after publication of notice and conduct of a public hearing, promulgate a manifest to be originated by the hazardous waste generators in accordance with the regulations promulgated by the board.

“(c) After six months following the effective date of the regulations promulgated under this chapter, a manifest shall be required to accompany transportation, storage, treatment and/or disposal of hazardous waste, provided, however, that regarding bulk shipments by rail or water, a shipping paper may be substituted for the manifest if the shipping paper meets the requirements set out in the regulations promulgated under this chapter. The manifest shall be originated by the hazardous waste generator identifying the hazardous waste transported, the quantity of such waste, the general chemical, physical and mineral composition of such waste identified by probable maximum and minimum percentages and such other information as the board may require.

“(d) A copy of the complete manifest shall be forwarded monthly to the board by those processing hazardous waste.”

“§ 22-30-18.

“Every generator, transporter and owner or operator of a treatment or storage facility or disposal site of hazardous wastes shall establish and maintain such records for a one-year three-year period, make such reports and furnish such information pertaining to the generation, transportation and treatment, storage or disposal of said hazardous wastes as the board shall require. Any records, reports or information obtained from the generator under this section shall be available to the public; except, that upon a showing satisfactory to the board by the generator or any other affected person submitting the records, reports or information that the records, reports or information, or a particular part thereof, to which the board has access, if made public, would divulge production costs, sales figures or methods, processes or production unique to such persons or would otherwise tend to affect adversely the competitive nature of such person's business by revealing trade secrets, the board shall consider such records, reports or information, or particular portion thereof, trade secrets in the administration of this chapter. Nothing herein shall be construed to prevent disclosures of any such report, records or information to federal, state or local representatives as necessary for the purposes of the administration of any federal, state or local hazardous waste control laws or when relevant in any proceeding under such laws; however, before such disclosure, said federal, state or local representation representatives shall be subject to the safeguards in this chapter provisions of this section.”

“§ 22-30-19.

“(a) - ~~Whenever the board determines that any person is in violation of any requirement or standard under this chapter or rules or regulations issued hereunder the board shall give written notice to such party of such violation.~~

“(b)(a) ~~If such violation extends beyond the thirtieth day after notification by the board,~~ Whenever, on the basis of any information, the board determines that any person is in violation of or threatens to violate any requirement of this chapter, any regulation adopted by the board or any permit issued under authority granted by this chapter, the board may issue an order requiring compliance immediately or within a specified time pe-

riod, or, in cases where imminent danger to public health and or safety or the environment is demonstrated, suspend operations causing such danger until the board determines that adequate steps are being taken to correct such violations; or the board may commence a civil action in the circuit court in the county in which such alleged violation occurred, for appropriate relief, including temporary or permanent mandatory or prohibitive injunctive relief.

~~“(e) - Without regard to the thirty day waiting period in subsection (b) of this section, in cases of imminent danger or irreparable damage to public health or safety, the board at any time prior to the expiration of the thirtieth day after notification of violation, may commence an immediate civil action in the circuit court in the county in which such alleged violation occurred, for appropriate relief, including temporary or permanent mandatory or prohibitive injunctive relief.”~~

“(d)(b) Any order issued under this section shall state the nature of the violation and the time period within which compliance is required and the amount of any civil monetary penalty sought by the board for any violation of any provision of this chapter, any rule or regulation adopted by the board or any permit issued under authority of this chapter. The amount of any civil monetary penalty sought shall be determined by the board on the basis of the seriousness of the violation, and whether any good faith efforts were or are being made to comply with the applicable requirements or standards this chapter, the applicable rules or regulations, or the permit. The amount of any civil monetary penalty shall not be more than \$25,000.00 for each violation. Each day such violation continues shall constitute a separate violation for purposes of this section. If a person fails to take the corrective action required within the time specified in an order issued pursuant to subsection (b)(a) of this section, he shall be liable for such civil monetary penalties ~~of not more than \$25,000.00 each day for the violation complained of in such order penalty.~~ The board may adopt such penalty assessment procedures as may be promulgated or approved by the United States Environmental Protection Agency or other such federal agencies; and the board may suspend or revoke any permit issued to the violator.

~~“(e) - Any order of suspension or revocation of a permit shall become final unless the person named in such suspension or revocation order requests a hearing within 30 days after the order or notice of suspension or revocation is served upon such person or persons. Upon such request, the board shall promptly conduct a hearing.”~~

“(f)(c) If a person fails to pay any civil monetary penalty assessed under this section, the board may institute a civil action against such person in the circuit court of any county in which such a person is found, resides or transacts business to collect such penalty or cost. Such court shall have exclusive jurisdiction to hear and decide any such action. The court shall sustain the board's finding of violation and assessment of civil penalty if such action is supported by fair preponderance of the evidence.

“(g)(d) The board is hereby authorized and empowered to compromise and settle any civil monetary penalty under this section in such amount, which in the discretion of the board may appear appropriate and equitable, to a maximum of 90 percent of the penalty when within one year or such other period as the board may deem reasonable the person takes action to eliminate or correct such violation to the satisfaction of the board.

“(h)(e) For the purposes of developing or assisting in the development of any regulation or enforcing the provisions of this chapter, duly desig-

nated officers or employees of the board are authorized to enter, at reasonable times, any establishment or other place maintained by any person where hazardous wastes are generated, stored, created treated or disposed of. Each such inspection shall be commenced and completed with reasonable promptness. If the officer or employee obtains any samples prior to leaving the premises, such officer or employee shall give to the owner, operator or agent in charge a receipt describing the sample obtained and, if requested, a portion of each such sample equal in volume or weight to the portion obtained. If any analysis is made of such sample, a copy of the results of such analysis shall be furnished promptly to the owner, operator or agent in charge. Any records, reports or information obtained from any person under this section shall be subject to the provisions of section sections 22-30-9 and 22-30-18 concerning trade secrets.

~~“(i) - Any person who with criminal negligence: -~~

~~“(1) - Transports any hazardous waste listed under this chapter to a facility which does not have a permit under section 22-30-12;~~

~~“(2) - Treats, stores, for more than 90 days, or disposes of any hazardous waste listed under this chapter without having obtained a permit therefor under this chapter;~~

~~“(3) - Through his handling of any hazardous waste allows such waste to contaminate groundwater without having obtained a permit therefor under this chapter; or, if permitted, violates the conditions of such permit; or~~

~~“(4) - Makes any false statement or representation in any application, label, manifest, record, report, permit or other document filed, maintained or used for purposes of compliance with this chapter shall, be subject to a penalty of not more than \$25,000.00 for each day of violation, which penalty may be recovered in a civil action in circuit court. After such person shall have once been adjudicated to have violated any provision of this subsection (i), such person shall be subject to a penalty of not more than \$50,000.00 per day of violation in any subsequent adjudication of violation of the provisions of this subsection (i);~~

~~“(j)(f) Any person who intentionally, knowingly, recklessly or with criminal negligence:~~

~~“(1) Transports any hazardous waste listed under this chapter to a facility or site which does not have a permit under section 22-30-12;~~

~~“(2) Treats, stores, for more than 90 days, or disposes of any hazardous waste listed under this chapter without having obtained a permit therefor under this chapter; provided, however, that any generator of a hazardous waste listed under this chapter who stores such waste on-site for 90 days or less shall not be in violation of this subsection;~~

~~“(3) Through his handling of any hazardous waste allows such waste to contaminate groundwater without having obtained a permit therefor under this chapter; or, if permitted, violates the conditions of such permit; or~~

~~“(4) Makes any false statement or representation in any application, label, manifest, record, report, permit or other document filed, maintained or used for purposes of compliance with this chapter; or~~

~~“(5) Violates any provision of this chapter, any rule or regulation adopted by the board, any provision of any permit issued by the board or~~

any provision of any order issued under this chapter

shall, upon conviction be subject to a fine of not more than \$25,000.00 for each-day-of-violation each violation of paragraphs (3), (4) or (5) and \$50,000.00 for each violation of paragraphs (1) and (2), or to imprisonment not to exceed 10 years, or both. If the conviction is for a violation committed after a first conviction of such person, under this chapter, punishment shall be a fine of not more than \$50,000.00 per-day-of-violation, for each violation, or by imprisonment of not more than 20 years, or by both. Each day such violation continues shall constitute a separate violation for purposes of this subsection.

Section 2. Section 22-30-21, Code of Alabama 1975, is hereby amended to read as follows:

“§ 22-30-21.

“The provisions of this chapter shall not apply to transporters regulated under the provisions of P.L. 91-458, enacted by the congress of the United States October 16, 1970; provided, however, such transporters shall be subject only to standards equivalent to and no more stringent than standards in the Resource, Conservation and Recovery Act of 1976, as amended, 42 U.S.C. §§ 6901 et seq., or regulations promulgated thereunder.”

Section 3. All laws or parts of laws, special, local or general, which conflict or are inconsistent with this Act are hereby repealed, insofar as such laws or parts of laws conflict or are inconsistent with this Act.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Sanders
Aldridge	Denton	Hand	Smith (B)
Bailey	Dixon	Holmes	Smith (J)
Bedford	Ellis	Little	Strong
Bishop	Foshee	Menton	

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Nays: —0

MOTION IN WRITING

Senator Smith (J) offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 84, on page 17 of the Fifth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 84, referred to the Standing Committee on Rules for placement on the Consent Calendar.

FURTHER CONSIDERATION OF S. B. 22

The Senate proceeded to further consideration of the Bill, S. B. 22, as amended.

Senator Bedsole offered the following amendment to the Bill, S. B. 22, as amended, to-wit:

AMENDMENT TO S. B. 22, AS AMENDED

Amend S. B. 22, as amended, by amending subsection (c)(1) of § 22-30-12, Code of Alabama 1975, by inserting the following language on page 6, line 20, immediately following the words "The board shall" and immediately preceding the words "issue permits":

"have exclusive authority and jurisdiction, without other governmental approval, to approve and to"

On motion of Senator Bennett, said amendment was laid on the table.

And said Bill, S. B. 22, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 23; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Menton	
Aldridge	Denton	Hand	Mitchem	
Bailey	Dial	Hilliard	Parsons	
Bedford	Dixon	Holmes	Smith (B)	
Bedsole	Ellis	Langford	Smith (J)	
Bennett	Foshee	Little	Strong	—23

Nays: —0

RESOLUTION

Senators Goodwin and Holmes offered the following Senate Joint Resolution, to-wit:

S. J. R. 39. MEMORIALIZING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO IMMEDIATELY APPOINT A SPECIAL PANEL, TASK FORCE OR COMMISSION TO STUDY THE ENTIRE JUDICIAL SYSTEM OF THE UNITED STATES.

WHEREAS, the Judicial System of the United States has developed into an overly expensive, overly time consuming, inefficient and inadequate method of enforcing the laws of the United States and of the various states and in insuring the rights and privileges of the citizens of this country, and

WHEREAS, the Judiciary, the Bar Association, and lawyers and judges as a whole have suffered and are suffering tremendous slippages in public esteem and public approval, and

WHEREAS, the Governor of the State of Alabama, governors of other states, and the Chief Justice of the United States Supreme Court have, both publicly and privately expressed sincere and serious concerns over developments that have taken place in the judicial system of the United States, and

WHEREAS, it is difficult, if not impossible for any individual state to make meaningful improvements in their individual judicial systems, without such improvements being coordinated with improvements in the entire judicial system of the United States, and

WHEREAS, the citizens of the greatest nation on earth are entitled to a judicial system which is equally great, but which obviously does not exist at the present time, and

WHEREAS, it is past the time for meaningful judicial reform to take place in the United States, which reforms must be led by the Congress of the United States and the Executive Department of the United States government, with the several states thereafter implementing appropriate action, and

WHEREAS, this problem is of such magnitude and is of such tremendous negative impact on the lives, freedoms, and well-being of the citizens of the United States that immediate remedial action is dictated.

THEN THEREFORE, BE IT RESOLVED, by the Legislature of the State of Alabama, both houses concurring, and with the approval of the Governor of the State of Alabama, we do hereby implore the President of the United States, and the United States Congress to act immediately, by the appointing of a special panel, task force, or commission to study the entire judicial system of the United States, and the several states, under a charge to fully investigate this matter and to make appropriate findings of fact, suggestions, and recommendations which may be implemented and which will be designed to bring about meaningful affirmative changes in the judicial system of the United States.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Governor, the President of the United States, the Alabama congressional delegation, and the Chief Justice of the United States Supreme Court.

Which was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 54. To provide further for funding of legislative services and establish procedures therefor.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 54, to-wit:

SUBSTITUTE FOR S. B. 54

A BILL TO BE ENTITLED AN ACT

To provide further for funding of legislative services and to establish procedures therefor.

WHEREAS, operational expenses and all other financial obligations of the Legislature are derived from the state's General and Special Educational Trust Funds and must therefore be budgeted in advance, as is the case with all state departments similarly funded; and

WHEREAS, the Legislature, however, and perhaps more often than any other department or agency, is required by law to respond to emergency situations which can neither be foreseen nor budgeted in advance; and

WHEREAS, most particularly in recent years, the Legislature, through

no fault of its own, has been increasingly faced with situations of an emergency nature including but not limited to numerous unplanned extraordinary sessions and the subsequent costs thereof; and

WHEREAS, the Legislature, in order to meet such financial obligations, has therefore been forced to pass supplemental appropriation bills; this of course places demands upon both the General Fund and the Special Educational Trust Fund with the attendant risk of proration, a situation abhorrent to the citizenry of this state; and

WHEREAS, in a sincere effort to eliminate the on-going and ever-increasing problems relative to legislative funding, it is the intent of this Act to provide a funding formula that is both workable and responsible; now therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year 1984-1985, and every year thereafter, there is hereby appropriated from any funds available in the state treasury as determined by the Budget Officer for legislative services the amounts as prescribed herein. There is hereby appropriated a quarterly amount of \$1,700,000.00 for all legislative costs, including personnel, office equipment, data processing and any expenditures incidental thereto. In any quarter, whenever unexpended funds fall below a balance of two percent (2%) of the aforementioned quarterly appropriation, an additional sum of \$200,000.00 is hereby appropriated. Any monies which are unexpended or unencumbered at the end of each fiscal year shall revert to the funds from which the appropriations were made.

Section 2. The legislature will annually present its budget through the Clerk of the House of Representatives and the Secretary of the Senate. Said presentation shall include statements of previous expenditures and projected costs on forms as prescribed by the Finance Director and be made before the Interim Committee on Finances and Budgets.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Bennett	Ellis	Langford	
Aldridge	Bishop	Foshee	Little	
Bailey	Corbett	Goodwin	Mitchem	
Barron	deGraffenried	Hand	Parsons	
Bedford	Denton	Holmes	Sanders	
Bedsole	Dixon			—21

Nays: —0

And said Bill, S. B. 54, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 21; Nays 2.

Yeas:

Senators:	Barron	Bishop	Denton
Aldridge	Bedsole	Corbett	Dixon
Bailey	Bennett	deGraffenried	Ellis

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Foshee
Goodwin
Hand

Holmes
Langford
Little

Mitchem
Parsons

Sanders
Smith (B)

—21

Nays: Senators: Bedford and Dial

—2

The Bill:

S. 176. To provide facilities for displaying certain exhibits in cooperation with the Tennessee Valley Authority; creating the Alabama Tennessee Valley Authority Exhibit Commission as an agency of the State of Alabama and providing for its membership, terms, authority and duties; authorizing the issuance of revenue bonds and general obligation bonds, subject to the approval of the Governor, and providing for the retirement of such bonds; authorizing the allocation and expenditure of funds; and providing exemptions from all taxes.

was taken up.

The Standing Committee on Commerce, Transportation, and Utilities reported the following substitute for the Bill, to-wit:

SUBSTITUTE FOR S. B. 176

**A BILL
TO BE ENTITLED
AN ACT**

To provide facilities for displaying certain exhibits in cooperation with the Tennessee Valley Authority; creating the Tennessee Valley Authority Exhibit Commission of Alabama as an agency of the State of Alabama and providing for its membership, terms, authority and duties; authorizing the issuance of revenue bonds and general obligation bonds, subject to the approval of the Governor, and providing for the retirement of such bonds; authorizing the allocation and expenditure of funds; and providing exemptions from all taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established a state agency to be known as the Tennessee Valley Authority Exhibit Commission of Alabama, which shall be a public body corporate with all the powers and privileges of a corporation, for the purpose of providing for and participating in the management and control of facilities to house and display such visual exhibits of energy related hardware and examples of technology used therefor as may be made available by the Tennessee Valley Authority. Such facility shall constitute a permanent housing for the Tennessee Valley Authority Exhibit, which shall be open to the general public and shall be located at a place to be designated in the vicinity of the Muscle Shoals area for a nominal cost through the cooperation of the Tennessee Valley Authority or at such other locations as the commission may deem appropriate. The commission is further empowered to provide such facilities as will be mutually agreed upon between the commission and the Tennessee Valley Authority for the housing and display of energy related hardware and technology, navigational river and tributary development practices, agriculture technology and innovations of the National Fertilizer Development Center, and wildlife and environmental practices and protections, and mankind and his historical achievements and mementos of the Tennessee Valley Authority. The commission is further empowered to establish an information and exhibit center in order to provide information to the public on research and

development in the field of energy related hardware and technology, navigational river and tributary development practices, agriculture technology and innovations, wildlife and environmental practices and protections and mankind and his historical achievements as developed by the Tennessee Valley Authority, the energy research and development administration, other federal and state agencies, including universities and colleges, and other public and private sectors engaged in energy related activities.

Section 2. The commission created herein shall consist of 16 members, to be appointed by the governor and confirmed by the senate, and shall be bona fide residents and qualified voters of this state. The sixteen (16) members of the commission shall be appointed one (1) each from the following counties of: Calhoun, Cherokee, Colbert, Cullman, Dekalb, Etowah, Franklin, Jackson, Jefferson, Lauderdale, Lawrence, Limestone, Madison, Marshall, Morgan and Winston in such a manner as to provide general representation on the commission, but all members shall be qualified persons of unquestioned loyalty to his country who are knowledgeable and interested in energy, river development, agriculture, wildlife and mankind and in the promotion of interest in such fields. Eight of the original members shall be appointed for terms of four years, and eight members shall be appointed for terms of eight years. Thereafter, all members shall serve for terms of eight years. All members shall serve until their successors are appointed and qualified, but any member may be removed by the Governor for just cause. Vacancies shall be filled in the same manner as original appointments are made. The first Chairman of the commission shall be appointed by the Governor from among the original appointees. Thereafter, each succeeding chairman shall be selected by the other members of the commission. Members of the commission shall serve without compensation. The commission shall hold at least one annual meeting at the site of the exhibit, and one half of the members shall constitute a quorum for the transaction of any business which may properly come before the commission at any such meeting. The commission shall be authorized to provide for an executive committee of not fewer than five of its members to whom it may delegate such powers and authority as the commission may deem to be advisable.

Section 3. The commission shall be authorized:

1. To investigate and select an available site for housing the exhibits, including the surrounding grounds, in cooperation with the Tennessee Valley Authority and the community, taking into consideration all pertinent factors affecting the suitability of such site;

2. To acquire by rent or lease agreement or otherwise the necessary housing facilities and to establish, improve and enlarge the available facility, including providing it with necessary equipment, furnishings, landscaping and related facilities, including parking areas and ramps, roadways, sewers, curbs and gutters;

3. To enter into such contracts and cooperative agreements with the local, state and federal governments, with agencies of such governments, including the Tennessee Valley Authority, with private individuals, corporations, associations and other organizations as the commission may deem necessary or convenient to carry out the purpose of this act, such contracts and agreements to include leases to private industry;

4. To borrow money from private sources or such other source as may be acceptable to the commission under such terms and conditions as may be provided by law and, in order to provide security for the repayment of any such private loans, to pledge such future revenues from admissions and any

other sources as may from time to time be necessary or desirable;

5. To issue and sell, subject to the approval of the Governor, interest-bearing general obligation bonds not in excess of \$1,900,000.00 in principal amount as authorized by constitutional amendment. Such bonds shall be general obligations of the State of Alabama with full faith and credit and taxing power of the state to be pledged to the prompt and faithful payment of the principal of the bonds and the interest thereon. The proceeds from the sale of such bonds shall be used exclusively for the purpose of paying the expenses incurred in the sale and issuance thereof and for the construction, establishment, improvement or enlargement and equipment of building facilities and related grounds, including the renewal or replacement of structural parts of such facility, but not including the purchase of the site for such facility;

6. To issue and sell at any time and from time to time its revenue bonds for the purpose of providing funds to acquire, enlarge, improve, equip and maintain a facility and for the payment of obligations incurred for such purposes. The principal and interest on any such revenue bonds shall be payable solely out of the revenues derived from the project;

7. To make such contracts in the issuance of its bonds as may seem necessary or desirable to assure their marketability and to provide for their retirement by a pledge of all or any revenue which may come to the commission from the investment of the proceeds of the sale of such bonds or from any other source whatsoever;

8. To accept public or private gifts, grants and donations;

9. To acquire property by purchase, lease, gift or license, such power not to include the purchase of a site for the facility;

10. To allocate and expend funds from all donations, income and revenue from any source whatsoever coming into its treasury for the fulfillment and accomplishment of its duties and responsibilities in such manner as may be necessary and appropriate for the perfection of the purposes of this act;

11. To sell, convey, transfer, lease or donate any property, franchise, grant, easement, license or lease or interest therein which it may own and to transfer, assign, sell, convey or donate any right, title or interest which it may have in any lease, contract, agreement, license or property;

12. To employ an executive director and such additional personnel as may be necessary to accomplish the purposes of this act. The executive director and such additional personnel as may be employed by the commission will serve at the pleasure of the commission. The commission shall fix the compensation of the executive director, and such additional personnel and such compensation shall be paid from the funds of the commission. The commission shall designate the duties and authority of the executive director and such additional personnel. The executive director and such additional personnel shall not be subject to the provisions of the state Merit System Act; provided, however, that they shall be eligible for participation in the state health insurance plan and benefits as provided, and they shall be eligible for participation in the state employees' retirement system under the provisions governing counties, cities, towns and other quasi-public organizations of the state;

13. To make such rules and regulations as the commission may deem necessary and desirable to provide for the operation, management and con-

trol of the facility in cooperation with the Tennessee Valley Authority; and

14. To perform such other acts necessary or incidental to the accomplishment of the purposes of this act, whether or not specifically authorized in this section, and not otherwise prohibited by law.

Section 4. All bonds shall be issued, subject to the approval of the Governor, in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be in registered or bearer form either as to principal or interest or both with rights of conversion into another form, may be payable in such installments and at such place or places, may bear interest at such rate or rates payable and evidenced in such manner and may contain provisions for redemption at the option of the state, to be exercised by said commission at such date or dates prior to their maturity and upon payment of such redemption price or prices, as shall be provided by said commission in the resolution or resolutions whereunder the bonds are authorized to be issued. The principal of each series of bonds shall mature in annual installments in such amounts as shall be specified in the resolution or resolutions of the said commission under which they are issued, the first of which installments shall mature not later than one year after the date of the bonds of such series, and the last of which installments shall mature not later than 20 years after the date of the bonds of the same series. When each series of bonds is issued, the maturities of the bonds of that series shall, to such extent as may be practicable, be so arranged that during each then succeeding fiscal year of the state government the aggregate installments of principal and interest that will mature on all bonds that will be outstanding under this act immediately following the issuance of the bonds of that series will be substantially equal; provided, that the determination by the said commission that the requirements of this sentence have been complied with shall be conclusive of such compliance and the purchasers of the bonds with respect to such determination is made and all subsequent holders thereof shall be fully protected thereby. None of the bonds shall be sold for less than face value plus accrued interest thereon to the date of delivery. All of the bonds shall be sold only at public sale or sales, either on sealed bids or at public auction, after such advertisement as may be prescribed by said commission, to the bidder whose bid reflects the lowest net interest cost to the state computed to the respective maturities of the bonds sold; provided, that if no bid deemed acceptable by the said commission is received, all bids may be rejected. The bonds shall be signed in the name of the state by the Governor and countersigned by the chairman of the commission and the great seal of the State of Alabama or a facsimile thereof shall be impressed, printed or otherwise reproduced thereon and shall be attested by the signature of the secretary of state; provided, that facsimile signatures of any one or any two but not all of said officers may be reproduced on such bonds in lieu of their manually signing the same. Coupons attached to the bonds and representing installments of interest thereon shall be signed with the facsimile signature of the state treasurer, which facsimile signature is hereby adopted as due and sufficient authentication of said coupons.

Section 5. Any general obligation bonds shall also be payable from and secured by a pledge of the revenues and income of the commission remaining after the payment of the reasonable and necessary expenses of operating and maintaining the facilities to be constructed by the commission.

Section 6. All revenue bonds issued by the commission shall be solely and exclusively the obligations of the commission and shall not create an obligation or debt of the state or of any county or of any municipality

within the state.

Section 7. In view of the unique character and complexity of the duties and responsibilities imposed on the commission by this act, it is hereby specifically provided that the commission shall have, in addition to the power and authority enumerated in Section 3 of this act, the right, power and authority to:

1. Develop and institute a program of promotion and advertising of the exhibits and facilities provided for by this act, said program of promotion and advertising to be conducted by the commission both within and without the state in such manner and to such extent as may be deemed economically advisable and appropriate by the commission;

2. Purchase and acquire items of tangible personal property on a competitive bid basis in the manner prescribed by law for the purchase of such items by state trade schools, state junior colleges and state colleges and universities under the supervision and control of the state board of education, the city and county boards of education, the district boards of education of independent school districts, the county commissions and the governing bodies of the municipalities of the state and the governing boards of instrumentalities of counties and municipalities.

3. Operate itself or, in its discretion enter into lease agreement with a person or agency of its choosing to operate, all concessions located in or on the grounds and facilities operated by the commission, any such lease agreement to be so designated as to provide maximum services and convenience to the patrons of the exhibit center and to provide reasonable revenue return to the commission.

Section 8. It shall be the duty of the commission to maintain at all times accurate records and books of account covering revenues and expenditures which shall be subject to the audit of the department of examiners of public accounts.

Section 9. The commission, its property; and income and all bonds issued by the commission, the income from such bonds or from the investment of such income and all conveyances, leases, mortgages and deeds of trust by or to the commission shall be exempt from all taxation in the state of Alabama.

Section 10. The provisions of this act shall be construed liberally, it being the purpose to provide in this state appropriate housing facilities for displaying to the general public exhibits of the Tennessee Valley Authority and for providing for the management and control of that portion of the display furnished and supplied by the Tennessee Valley Authority by such means as may be feasible and agreed upon.

Section 11. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this act are hereby repealed.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Denton offered the following substitute for the committee substitute for the Bill, S. B. 176, to-wit:

**SUBSTITUTE FOR COMMITTEE SUBSTITUTE
FOR S. B. 176****A BILL
TO BE ENTITLED
AN ACT**

To provide facilities for displaying certain exhibits in cooperation with the Tennessee Valley Authority; to create the Tennessee Valley Authority Exhibit Commission of Alabama as an agency of the State of Alabama and to provide for its membership, terms, authority and duties; to authorize the issuance of revenue bonds to make an appropriation, for the fiscal year ending September 30, 1986, from certain funds received by the state in lieu of the payment of taxes pursuant to Title 40, Chapter 28, Code of Alabama 1975, and to amend Section 40-28-2, Code of Alabama 1975 therefor; to authorize the allocation and expenditure of funds; and to provide exemptions from all taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established a state agency to be known as the Tennessee Valley Authority Exhibit Commission of Alabama, which shall be a public body corporate with all the powers and privileges of a corporation, for the purpose of providing for and participating in the management and control of facilities to house and display such visual exhibits of energy related hardware and examples of technology used therefor as may be made available by the Tennessee Valley Authority. Such facility shall constitute a permanent housing for the Tennessee Valley Authority Exhibit, which shall be open to the general public and shall be located at a place to be designated in the vicinity of the Muscle Shoals area for a nominal cost through the cooperation of the Tennessee Valley Authority or at such other locations as the commission may deem appropriate. The commission is further empowered to provide such facilities as will be mutually agreed upon between the commission and the Tennessee Valley Authority for the housing and display of energy related hardware and technology, navigational river and tributary development practices, agriculture technology and innovations of the National Fertilizer Development Center, and wildlife and environmental practices and protections, and mankind and his historical achievements and mementos of the Tennessee Valley Authority. The commission is further empowered to establish an information and exhibit center in order to provide information to the public on research and development in the field of energy related hardware and technology, navigational river and tributary development practices, agriculture technology and innovations, wildlife and environmental practices and protections and mankind and his historical achievements as developed by the Tennessee Valley Authority, the energy research and development administration, other federal and state agencies, including universities and colleges, and other public and private sectors engaged in energy related activities.

Section 2. The commission created herein shall consist of 16 members, to be appointed by the governor and confirmed by the senate, and shall be bona fide residents and qualified voters of this state. The sixteen (16) members of the commission shall be appointed one (1) each from the following counties of: Calhoun, Cherokee, Colbert, Cullman, DeKalb, Etowah, Franklin, Jackson, Jefferson, Lauderdale, Lawrence, Limestone, Madison, Marshall, Morgan and Winston in such a manner as to provide general representation on the commission, but all members shall be qualified persons of unquestioned loyalty to his country who are knowledgeable and interested

in energy, river development, agriculture, wildlife and mankind and in the promotion of interest in such fields. Eight of the original members shall be appointed for terms of four years, and eight members shall be appointed for terms of eight years. Thereafter, all members shall serve for terms of eight years. All members shall serve until their successors are appointed and qualified, but any member may be removed by the Governor for just cause. Vacancies for any reason whatsoever shall be filled in the same manner as original appointments are made. The first Chairman of the commission shall be appointed by the Governor from among the original appointees. Thereafter, each succeeding chairman shall be selected by the other members of the commission. Members of the commission shall serve without compensation. The commission shall hold at least one annual meeting at the site of the exhibit, and one half of the members shall constitute a quorum for the transaction of any business which may properly come before the commission at any such meeting. The commission shall be authorized to provide for an executive committee of not fewer than five of its members to whom it may delegate such powers and authority as the commission may deem to be advisable.

Section 3. The commission shall be authorized:

a. To investigate and select an available site for housing the exhibits, including the surrounding grounds, in cooperation with the Tennessee Valley Authority and the community, taking into consideration all pertinent factors affecting the suitability of such site;

b. To acquire by rent or lease agreement or otherwise the necessary housing facilities and to establish, improve and enlarge the available facility, including providing it with necessary equipment, furnishings, landscaping and related facilities, including parking areas and ramps, roadways, sewers, curbs and gutters;

c. To enter into such contracts and cooperative agreements with the local, state and federal governments, with agencies of such governments, including the Tennessee Valley Authority, with private individuals, corporations, associations and other organizations as the commission may deem necessary or convenient to carry out the purpose of this act, such contracts and agreements to include leases to private industry;

d. To borrow money from private sources or such other source as may be acceptable to the commission under such terms and conditions as may be provided by law and, in order to provide security for the repayment of any such private loans, to pledge such future revenues from admissions and any other sources as may from time to time be necessary or desirable.

e. To issue and sell at any time, and from time to time, its revenue bonds for the purpose of providing funds to acquire, enlarge, improve, equip and maintain a facility and for the payment of obligations incurred for such purposes. The principal and interest on any such revenue bonds shall be payable solely out of the revenues derived from the project;

f. To make such contracts in the issuance of its bonds as may seem necessary or desirable to assure their marketability and to provide for their retirement by a pledge of all or any revenue which may come to the commission from the investment of the proceeds of the sale of such bonds or from any other source whatsoever;

g. To accept public or private gifts, grants and donations;

h. To acquire property by purchase, lease, gift or license, such power

not to include the purchase of a site for the facility;

i. To allocate and expend funds from all donations, income and revenue from any source whatsoever coming into its treasury for the fulfillment and accomplishment of its duties and responsibilities in such manner as may be necessary and appropriate for the perfection of the purposes of this act;

j. To sell, convey, transfer, lease or donate any property, franchise, grant, easement, license or lease or interest therein which it may own and to transfer, assign, sell, convey or donate any right, title or interest which it may have in any lease, contract, agreement, license or property;

k. To employ an executive director and such additional personnel as may be necessary to accomplish the purposes of this act. The executive director and such additional personnel as may be employed by the commission will serve at the pleasure of the commission. The commission shall fix the compensation of the executive director, and such additional personnel and such compensation shall be paid from any funds of the commission. The commission shall designate the duties and authority of the executive director and such additional personnel. The executive director and such additional personnel shall not be subject to the provisions of the state Merit System Act; provided, however, that they shall be eligible for participation in the state health insurance plan and benefits as provided, and they shall be eligible for participation in the state employees' retirement system under the provisions governing counties, cities, towns and other quasi-public organizations of the state;

l. To make such rules and regulations as the commission may deem necessary and desirable to provide for the operation, management and control of the facility in cooperation with the Tennessee Valley Authority; and

m. To perform such other acts necessary or incidental to the accomplishment of the purposes of this act, whether or not specifically authorized in this section, and not otherwise prohibited by law.

Section 4. All revenue bonds issued by the commission shall be solely and exclusively the obligations of the commission and shall not create an obligation or debt of the state or of any county or of any municipality within the state.

Section 5. In view of the unique character and complexity of the duties and responsibilities imposed on the commission by this act, it is hereby specifically provided that the commission shall have, in addition to the power and authority enumerated in Section 3 of this act, the right, power and authority to:

a. Develop and institute a program of promotion and advertising of the exhibits and facilities provided for by this act, said program of promotion and advertising to be conducted by the commission both within and without the state in such manner and to such extent as may be deemed economically advisable and appropriate by the commission;

b. Purchase and acquire items of tangible personal property on a competitive bid basis in the manner prescribed by law for the purchase of such items by state trade schools, state junior colleges and state colleges and universities under the supervision and control of the state board of education, the city and county boards of education, the district boards of education of independent schools districts, the county commissions and the governing bodies of the municipalities of the state and the governing boards of instru-

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mentalities of counties and municipalities.

c. Operate itself or, in its discretion enter into lease agreement with a person or agency of its choosing to operate, all concessions located in or on the grounds and facilities operated by the commission, any such lease agreement to be so designated as to provide maximum services and convenience to the patrons of the exhibit center and to provide reasonable revenue return to the commission.

Section 6. It shall be the duty of the commission to maintain at all times accurate records and books of account covering revenues and expenditures which shall be subject to the audit of the department of examiners of public accounts.

Section 7. The commission, its property and income and all bonds issued by the commission, the income from such bonds or from the investment of such income and all conveyances, leases, mortgages and deeds of trust by or to the commission shall be exempt from all taxation in the state of Alabama.

Section 8. The provisions of this act shall be construed liberally, it being the purpose to provide in this state appropriate housing facilities for displaying to the general public exhibits of the Tennessee Valley Authority and for providing for the management and control of that portion of the display furnished and supplied by the Tennessee Valley Authority by such means as may be feasible and agreed upon.

Section 9. Section 40-28-2, Code of Alabama 1975, is hereby amended to read as follows:

"§ 40-28-2. (a) Beginning in the the fiscal year ending September 30, 1980, the state of Alabama will annually transfer to the counties in Alabama served by T.V.A. a portion of the in-lieu-of-taxes payments made by T.V.A. to the state of Alabama. Such transfer of funds shall be according to the following schedule:

For the Fiscal Year:	Percentage of In-Lieu-of-Taxes Payments Transferred to T.V.A.- Served Counties by the State
	Shall Be:
1979-80	20%
1980-81	30%
1981-82	40%
1982-83	50%
1983-84	60%
1984-85	70%
1985-86	<u>The first \$1.9 million</u>

received hereby appropriated to the Tennessee Valley Authority Exhibit Commission of Alabama for its purposes of general operations, capital outlay and for implementation of its duties and obligations created by legislation enacted during the 1984 regular session; of the remaining portion of the in-lieu-of-taxes payments made by T.V.A. in

1985-86

and each fiscal year thereafter

75%

"(b) In addition to the distribution provided for in subsection (a) of this section, the state shall distribute each fiscal year five percent of the in-lieu-of-taxes payments to the dry counties and municipalities therein which

are not served by T.V.A. Said five percent shall be distributed on the same proportionate basis that each such county received in fiscal year 1978-79 from A.B.C. payments as compared to the total A.B.C. payments received by all dry counties not served by T.V.A. during the same fiscal year. The distribution of such in-lieu-of-taxes payments between each dry non-T.V.A. served county and the municipalities located therein shall be made pro rata on the basis of A.B.C. payments received by each such jurisdiction in the fiscal year 1979 to the total A.B.C. payments to the county and all municipalities in such county in the fiscal year 1979. Such distribution to the municipalities will be administered by the county governing body.

“(c) Any T.V.A.-served dry county which is eligible to receive funds under the provisions of section 40-28-3 shall receive from that portion of the in-lieu-of-taxes payments not less than that amount which said county received in A.B.C. payments in the fiscal year 1978-79.”

Section 10. The provisions of this Act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 12. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Senator Bedford offered the following amendment to the Denton substitute for the committee substitute, as amended, for the Bill, S. B. 176, to-wit:

AMENDMENT TO DENTON SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR S. B. 176, AS AMENDED

Amend S. B. 176 by adding the following sentence on line 27, page 2, after the word “authority,” viz:

All such facilities shall be principally constructed out of oolitic shadow vein Alabama limestone.

Which was adopted.

And said committee substitute, as amended by the Denton substitute, as amended, for the Bill, S. B. 176, was then adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Bennett	Foshee	Little
Aldridge	Corbett	Goodwin	Parsons
Bailey	Denton	Hand	Smith (B)
Barron	Dixon	Holmes	Smith (J)
Bedsole	Ellis	Langford	

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Nays:

—0

And said Bill, S. B. 176, as amended by the committee substitute, as amended by the Denton substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Little
Aldridge	Denton	Goodwin	Parsons
Bailey	Dial	Hand	Smith (B)
Bedford	Dixon	Holmes	Smith (J)
Bennett	Ellis	Langford	

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Nays: —0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 54. To provide further for funding of legislative services and to establish procedures therefor.

WHEREAS, operational expenses and all other financial obligations of the Legislature are derived from the state's General and Special Educational Trust Funds and must therefore be budgeted in advance, as is the case with all state departments similarly funded; and

WHEREAS, the Legislature, however, and perhaps more often than any other department or agency, is required by law to respond to emergency situations which can neither be foreseen nor budgeted in advance; and

WHEREAS, most particularly in recent years, the Legislature, through no fault of its own, has been increasingly faced with situations of an emergency nature including but not limited to numerous unplanned extraordinary sessions and the subsequent costs thereof; and

WHEREAS, the Legislature, in order to meet such financial obligations, has therefore been forced to pass supplemental appropriation bills; this of course places demands upon both the General Fund and the Special Educational Trust Fund with the attendant risk of proration, a situation abhorrent to the citizenry of this state; and

WHEREAS, in a sincere effort to eliminate the on-going and ever-increasing problems relative to legislative funding, it is the intent of this Act to provide a funding formula that is both workable and responsible; now therefore,

CHARLES BISHOP,
Chairperson.

FURTHER CONSIDERATION OF S. B. 40

The Senate proceeded to further consideration of the Bill, S. B. 40.

Senator Corbett offered the following substitute for the Bill, S. B. 40, to-wit:

SUBSTITUTE FOR S. B. 40**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 25-9-9 of the Code of Alabama 1975, so as to provide further for the composition of the board of examiners to certify competency for fire bosses and mine foremen.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 25-9-9 of the Code of Alabama 1975 is hereby amended to read as follows:

“§ 25-9-9.

“There shall be appointed by the governor a board of examiners, all of whom shall hold Alabama mine foreman's certificates, consisting of the chief or the head mine inspector, as the director may designate, together with two ~~three~~ active practical miners, two ~~three~~ operators of coal mines and one practicing mining engineer. The members of this board shall be appointed by the governor and shall hold office for three years and until their successors are appointed and qualified, and, as nearly as possible, two members shall be appointed one year and three the succeeding year. The chief or the head mine inspector shall be ex officio chairman of the board. The chairman shall vote only in the case of a tie vote, and, in the absence of one member of the board, a majority of whom shall act. In the event of the failure to have a quorum, the chairman shall have the authority to select a qualified person or persons. There shall be paid to each member of the board, except the ex officio chairman, who shall serve without extra pay, \$10.00 per day. Each board member shall also be entitled to the same per diem and travel allowance as is provided by law for state employees for each day's attendance at meetings of the board. Said board of examiners shall meet every six months at the office of the chief and shall remain in session not longer than eight days, and special meetings may be called by the chairman or a majority of the members of said board. The department shall preserve in its office a record of the meetings and transactions of the board and all certificates issued and revoked.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

ADJOURNMENT

At 3:55 P.M. on motion of Senator Little and pending further consideration of S. B. 40, the Senate adjourned until Thursday, February 23, 1984, at 9:30 A.M.

**SIXTH LEGISLATIVE DAY
THURSDAY, FEBRUARY 23, 1984**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by Mr. Gerald Jones, Associate Minister, Highland Church of Christ at Carriage Hills, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Cabaniss	Foshee	Mitchem
Aldridge	Cooley	Goodwin	Parsons
Amari	Corbett	Hand	Pearson
Bailey	deGraffenried	Hilliard	Sanders
Barron	Denton	Holmes	Smith (B)
Bedford	Dial	Langford	Smith (J)
Bedsole	Dixon	Little	Strong
Bennett	Ellis	Menton	Teague
Bishop	Figures		

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JOURNAL

On motion of Senator Smith (B), the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Fifth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator Smith (B), leave of absence was granted Senators Covington and Drinkard for today.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 5. NAMING A PORTION OF U.S. HIGHWAY 231, FROM

ONEONTA TO ROSA, IN BLOUNT COUNTY, ALABAMA, THE "RAY MARSH DRIVE."

Also:

H. J. R. 21. URGING THE REVENUE DEPARTMENT TO ACCEPT PERSONAL CHECKS FOR ISSUING CERTAIN LICENSES.

Also:

H. J. R. 28. COMMENDING PISGAH HIGH SCHOOL'S CHAMPIONSHIP FOOTBALL TEAM.

Also:

H. J. R. 29. COMMENDING THE CITIZENS OF STEVENSON, ALABAMA, ON THE RESTORATION AND PRESERVATION OF THE STEVENSON RAILROAD DEPOT MUSEUM.

Also:

H. J. R. 30. DESIGNATING THE BELOIT COMMUNITY AS THE RECYCLE CAPITAL OF ALABAMA.

Also:

H. J. R. 31. MOURNING THE DEATH OF MR. OLAF A. SYLTIE OF MOBILE, ALABAMA.

Also:

H. J. R. 34. COMMENDING MR. PERCY ROSS, MINNEAPOLIS, MINNESOTA.

Also:

H. J. R. 53. MOURNING THE DEATH OF CAPTAIN JAMES A. "BUBBA" DAVIS.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 9. COMMENDING MR. DAVID D. ROBERTS OF MOBILE, PRESIDENT ELECT OF THE NATIONAL ASSOCIATION OF REALTORS FOR 1984.

Also:

H. J. R. 18. COMMENDING DR. J. MICHAEL SPROTT FOR MERITORIOUS SERVICE WITH AUBURN UNIVERSITY'S EXTEN-

SION PROGRAM.

Also:

H. J. R. 19. MOURNING THE DEATH OF MR. E. L. STEWART OF TALLADEGA, ALABAMA.

Also:

H. J. R. 20. REQUESTING THE GOVERNOR TO PROCLAIM THE WEEK OF MAY 7, 1984, AS ALABAMA SMALL BUSINESS WEEK.

Also:

H. J. R. 23. MOURNING THE DEATH OF FORMER STATE REPRESENTATIVE IRA DRAYTON PRUITT OF LIVINGSTON, ALABAMA.

Also:

H. J. R. 27. NAMING THE BRIDGE ACROSS LITTLE MULBERRY CREEK ON HIGHWAY 14 AT STATESVILLE, AUTAUGA COUNTY, ALABAMA, THE "BILL NICHOLS BRIDGE".

Also:

H. J. R. 35. COMMENDING MR. AND MRS. VIRGIL HUBBERT ON THEIR FIFTIETH WEDDING ANNIVERSARY.

Also:

H. J. R. 36. COMMENDING EMMA SANSOM'S FREDDIE WEYGAND, STATE 3A PLAYER OF THE YEAR.

Also:

H. J. R. 38. MOURNING THE DEATH OF THE REVEREND R. LEE FRANKLIN OF MILLBROOK, ALABAMA.

Also:

H. J. R. 39. COMMENDING MRS. ELLEN ADAMS FOR OUTSTANDING SERVICE IN THE HEALTH CARE FIELD.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MOTION TO ADJOURN

Senator Little moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, February 28, 1984, at 12 o'clock Noon, which motion was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 16. HONORING MR. JAMES W. (BILL) JOHNSON OF ALBERTVILLE, ALABAMA.

Also:

S. J. R. 17. COMMENDING MR. VELPO MABREY OF GUNTERSVILLE, MARSHALL COUNTY, ALABAMA.

Also:

S. J. R. 18. DESIGNATING THE FOURTH WEEK IN APRIL, ANNUALLY, "PUBLIC SCHOOL WEEK" IN ALABAMA.

Also:

S. J. R. 21. DESIGNATING FEBRUARY 25, 1984, AS "MRS. ELLEN ADAMS APPRECIATION DAY" IN ALABAMA.

Also:

S. J. R. 22. MOURNING THE DEATH OF JUDGE O. D. ALSOBROOK OF LAFAYETTE, CHAMBERS COUNTY, ALABAMA.

Also:

S. J. R. 26. DESIGNATING 1984 AS 4-H CLUB DIAMOND ANNIVERSARY YEAR IN ALABAMA.

Also:

S. J. R. 29. STATING LEGISLATIVE AUTHORITY RELATIVE TO ACT NO. 81-889, S. 32, FIRST SPECIAL SESSION, 1981.

Also:

S. J. R. 30. COMMENDING RADIO STATION WZZK.

Also:

S. J. R. 32. COMMENDING DR. WILFRED BAILEY AS INTERIM PRESIDENT OF AUBURN UNIVERSITY.

Also:

S. J. R. 33. DESIGNATING THE WEEK OF FEBRUARY 26, 1984, AS "ALABAMA ARTS REFUND WEEK".

JOHN W. PEMBERTON,
Clerk.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Barron:

S. 320. To amend Section 40-17-224, Code of Alabama 1975, relating to the use of gasoline and other motor fuel tax proceeds for highway purposes, so as to provide that where the use of such proceeds is used by a county on or before September 30, 1987, 25 percent may be used for the

purchase of equipment.

Committee on Governmental Affairs.

By Senators Foshee, Corbett, Parsons, Covington, Bennett, Dial, Cabaniss, and Amari:

S. 321. To establish service territories for electric suppliers within the State; to provide the means of eliminating or reducing the potential for duplication of electric distribution facilities used for furnishing retail electric service; to mandate and implement the determination of which electric supplier shall furnish retail electric service to electric customers within various areas of the State including areas within present and future corporate limits of municipalities; to provide that the primary electric supplier within each municipality in the State shall have the right, at its option, to purchase all distribution facilities of any secondary electric supplier used to supply retail electric service within the existing municipal limits and have the right to serve all premises within the existing municipal limits, subject to certain conditions; to define the right and obligation of municipalities and municipally-owned electric suppliers to provide electric service in areas outside the existing municipal limits; to provide for resolution of disputes between electric suppliers regarding sale or purchase of electric facilities; to provide for the applicability of certain provisions of Title 37, Code of Alabama (1975); to provide exemptions from the provisions of this Act for certain agreements between electric suppliers; to prohibit the providing of electric service in violation of this Act; to provide for judicial review and validation of the provisions of this Act by the courts and sets out procedures governing such proceedings and appeals therefrom; provides that the provisions of the Act are not severable and that if any provision is declared invalid under state law, the remaining provisions also shall be invalid, and further provides that if the Act is declared invalid, any actions taken by any party in conformity with the provisions of the Act shall be lawful but that any electric service rendered pursuant to the provisions of the Act shall be terminated; and to repeal all laws or parts of laws in conflict herewith.

Committee on Commerce,
Transportation, and Utilities.

By Senator Little:

S. 322. Proposing an amendment to Amendment No. 269 to the Constitution of Alabama of 1901 relating to a special property tax by counties or municipalities for library purposes.

Committee on Constitutional Revision.

The above Bill was read a first time at length as required by the Constitution.

By Senators Bennett, Bedsole, and Smith (J):

S. 323. Relating to elections; to define the meaning of terms used in this Act; to provide for the designation and organization of a principal campaign committee by each candidate for election to state or county office; to designate the Secretary of State and the Judge of Probate as the recipients of reports and statements required to be filed by this Act; to provide for the registration of political committees (including the principal campaign committee of each candidate); to require that political committees established by corporations bear the name of the corporation; to provide for the reporting of contributions received and expenditures made by political committees; to provide for the designation of campaign depositories; to delineate

the duties of the Secretary of State and Judge of Probate; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for proper identification of campaign advertising; to exempt candidates receiving or expending less than \$1,000 from certain provisions of the Act; to prohibit the intimidation of voters, certain expenditures to influence voting, the publication or distribution of certain political statements, any contribution in the name of another, fraudulent misrepresentations of campaign authority, fraudulent campaign advertising, and coercion of contributions; to provide penalties for the violation of the provisions of the Act; to require that certificates of election be withheld under certain circumstances; to repeal Chapter 22 of Title 17 of the CODE OF ALABAMA, 1975; and to provide severability and effective dates.

Committee on Governmental Affairs.

By Senator Little:

S. 324. To amend Section 41-19-10 of the Code of Alabama 1975, relating to operation plans or budget management by state agencies/departments generally, so as to provide further for such budget management.

Committee on Finance and Taxation.

By Senator Bennett:

S. 325. Amending Sections 16-36-7 and 16-36-27 of the Code of Alabama 1975, so as to allow State adoption and purchase of educational materials for children enrolled in the public kindergartens of the State.

Committee on Education.

By Senator Cabaniss:

S. 326. To amend Section 40-18-20, Code of Alabama 1975, relating to income tax exemptions so as to exempt from the state income tax payments made under private pension plans.

Committee on Finance and Taxation.

By Senator Little:

S. 327. To amend Section 5-2-120, Code of Alabama 1975, which provides for the appointment of the credit union board of the bureau of credit unions and to amend Section 5-2-121 which provides for meetings of the credit union board of the bureau of credit unions.

Committee on Banking and Insurance.

By Senators Bedford, Foshee, Cooley, Corbett, Barron, Figures, Hilliard, Teague, Denton, Strong, and Hand:

S. 328. To amend Section 12-13-20, Code of Alabama 1975, as amended, which relates to salaried probate judges' minimum compensation so as to further provide for such compensation.

Committee on Governmental Affairs.

By Senator Teague:

S. 329. To amend Section 22-14-6 of the Code of Alabama 1975, relating to the licensing or registration of persons dealing with radioactive materials, so as to include persons operating ionizing radiation equipment and to exempt certain persons.

Committee on Health and Welfare.

By Senator Teague:

S. 330. To make a supplemental appropriation for the current fiscal year ending September 30, 1984, from the Board of Polygraph Examiners Fund to the Board of Polygraph Examiners.

Committee on Finance and Taxation.

By Senator Teague:

S. 331. To amend subsection (a) (3) of Section 16-25-14, Code of Alabama 1975, relating to mandatory retirement of teachers to provide that a teacher may be continued in service from year to year past the age of 70 years upon his application and approval by his employer if evidence of physical and mental fitness is furnished.

Committee on Education.

By Senator Smith (J):

S. 332. To provide a procedure for hearings by the court prior to release from custody of defendants who were found to have committed a criminal act while mentally ill and were committed to the custody of the Commissioner of the Alabama State Department of Mental Health or other public facility as the Court may order.

Committee on Judiciary.

By Senator Dixon:

S. 333. To amend Sections 36-25-1, 36-25-4, 36-25-6, 36-25-12, 36-25-14, and 36-25-15, Code of Alabama 1975, so as to delete the definition of "legislative employee"; add the definition of "statement of economic interests," and "thing of value," redefine "public employee" and "public official"; to provide further for the filing of statement of economic interests by public officials; to provide for the notification of candidacy of certain public officials; to remove the prohibition against investigating anonymous complaints and certain other complaints; to prohibit witnesses, complainants or informants from making public statements until an investigation is complete; to grant subpoena power to the commission; to prohibit certain officials and employees of regulatory agencies and certain public officials, employees and families from soliciting or accepting anything of value from certain persons or organizations.

Committee on Judiciary.

By Senator deGraffenried:

S. 334. To adopt and incorporate into the Code of Alabama 1975 all general and permanent laws of the State adopted by the Legislature during the 1983 First and Second Special Sessions and the 1983 Regular Session, as contained in the 1983 Cumulative Supplement to the Code of Alabama 1975 and the 1983 Replacement Volume 17 of the Code, and to make certain corrections in such cumulative supplement and replacement volume.

Committee on Judiciary.

By Senators Corbett, Figures, Bennett, Ellis, Bedsole, Sanders, Teague, Aldridge, Langford, and Holmes:

S. 335. To amend Section 25-3-4 of the Code of Alabama 1975, relating to investigations and adjustments of wage claim controversies by the commissioner of the department of labor, so as to provide further for such

investigations and adjustments by prescribing certain procedures for settlement of such controversies.

Committee on Business and Labor
Relations.

By Senators Holmes, Foshee, Bedford, Bailey, Goodwin, Menton, Mitchem, deGraffenried, Barron, Bishop, Parsons, and Dial:

S. 336. To require that all nonresident aliens that own or lease agricultural land, or engage in farming within Alabama must annually report to the Commissioner of Agriculture and Industries, and to establish penalties for failure to report.

Committee on Agriculture,
Conservation, and Forestry.

By Senators Bedsole, Hand, Dixon, Cabaniss, Bennett, Hilliard, Aldridge, Figures, Cooley, Parsons, Smith (B), Barron, Foshee, Corbett, Bailey, Teague, Smith (J), Dial, Langford, Mitchem, and Strong:

S. 337. To provide further for the compensation of certain professors and instructors at state four-year institutions of higher learning.

Committee on Education.

By Senators Parsons and Corbett:

S. 338. To express the public policy of the State of Alabama relative to the payment of prevailing minimum wages in the particular area on all projects of the state or its agencies to require that the prevailing wages be ascertained in advance of such projects and that all bidders therein be bound by these determinations and all contractors be required to comply therewith; to define what is included in the term "wages" and to set forth the method of making the said determinations; to further define the duties of the commissioner of labor; and to authorize local governing bodies to make similar requirements in their contracts for public works.

Committee on Business and Labor
Relations.

By Senator Parsons:

S. 339. To amend Section 36-25-1 of the Code of Alabama 1975, relating to the code of ethics for public officials and employees, so as to further define public officials and peace officers.

Committee on Judiciary.

By Senators Smith (B), Barron, Smith (J), and Cooley:

S. 340. To exempt the Interfaith Mission Service, Inc., of Huntsville from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Senator Langford:

S. 341. To amend Sections 17-10-3 and 17-10-5, Code of Alabama, 1975, relating to application to vote by absentee ballots and the ballot therefor, so as to permit certain eligible qualified electors of Alabama to apply for and to vote a "write-in" absentee ballot in the primary and at the same time the general election; and to provide an effective date.

Committee on Governmental Affairs.

By Senators Mitchem, Barron, and Holmes:

S. 342. Relating to the eradication and control of Avian Influenza and other contagious poultry diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1984, to indemnify owners of poultry of all types for the value of any poultry ordered condemned and destroyed for the prevention and eradication of Avian Influenza and other poultry diseases.

Committee on Agriculture,
Conservation, and Forestry.

By Senators Mitchem, Barron, and Holmes:

S. 343. Relating to findings of the Legislature regarding the disease Avian Influenza; setting the crime of a knowing or wanton violation of laws or regulations pertaining to the control or eradication of Avian Influenza a Class C felony.

Committee on Agriculture,
Conservation, and Forestry.

By Senators Mitchem, Barron, and Holmes:

S. 344. Relating to the eradication and control of Avian Influenza and other contagious poultry diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1985, to indemnify owners of poultry of all types for the value of any poultry ordered condemned and destroyed for the prevention and eradication of Avian Influenza and other poultry diseases.

Committee on Agriculture,
Conservation, and Forestry.

By Senator Bailey:

S. 345. To amend Section 2-15-133 which requires licensed livestock dealers to be covered by a bond or bond equivalent in amounts equal to purchases of livestock but in no amount less than \$10,000; to require the filing of verified financial statements; to require full payment of livestock not later than the close of the next business day; to exempt livestock dealers from the requirements of a bond or bond equivalent if they pay for livestock with United States currency, money orders or certified or cashier's checks at the time of purchase.

Committee on Agriculture,
Conservation, and Forestry.

By Senator Denton:

S. 346. To amend Sections 32-9-1 and 32-9-20, Code of Alabama 1975, relating to motor vehicle sizes and weights so as to further regulate the sizes and weights of motor vehicles on highways in Alabama; to provide for compliance with federal laws regulating same; and to further regulate exceptions and exemptions.

Committee on Commerce,
Transportation, and Utilities.

By Senator Dial:

S. 347. To require railroads to operate certain trains with a caboose as the last car and to require a conductor brakeman in such caboose, with cer-

tain exceptions; and to provide for enforcement by the Public Service Commission and for penalties.

Committee on Commerce,
Transportation, and Utilities.

By Senator deGraffenried:

S. 348. To amend Sections 34-14-3, 34-14-6, 34-14-7 and 34-14-11 of the Code of Alabama 1975, which regulate hearing aid dealers and fitters, so as to provide further for license fees, permits and renewals of same and to provide for certain continuing education requirements for licensees.

Committee on Aging.

By Senator Bishop:

S. 349. To make an appropriation for the support and maintenance of the Walker County Junior College for the fiscal year ending September 30, 1985.

Committee on Finance and Taxation.

By Senator Dixon:

S. 350. To amend Section 22-14-5 of the Code of Alabama 1975, which provides for the radiation advisory board of health, so as to provide for appointment of a veterinarian and a radiologic technician to such board.

Committee on Health and Welfare.

By Senator Little:

S. 351. To exempt the National Conference of State Legislatures and the Council of State Governments from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Senator Hilliard:

S. 352. To provide for and create a public corporation for the purposes of flood control to be known as the Alabama Village and Valley Creeks Flood Control Authority. The office of the Authority is to be located in the City of Birmingham; to provide for a board of directors, prescribe the method of appointment, its duties and authorities, and to provide for employees.

Committee on Governmental Affairs.

By Senators Holmes and Teague:

S. 353. To establish penalties for certain criminal activities in respect to computers.

Committee on Judiciary.

RESOLUTIONS

Senator Dial offered the following Senate Joint Resolution, to-wit:

S. J. R. 40. COMMENDING THE COLLINSVILLE PANTHERS FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

WHEREAS, the Collinsville Panthers football team won the Area 12, Region 6 Class 1A Championship this past season with an outstanding 10-0 regular season record; and

WHEREAS, the 1983 Panthers were the first team with a perfect regular season record in the school's history; and

WHEREAS, this fine team advanced to the semi-finals of the state class 1A playoffs and posted an outstanding final record of 12 wins and 1 loss; and

WHEREAS, Head Coach Raymond Weaver and assistant coaches Johnny Edwards, Neil Thrash and Greg Meadows are due much credit not only for the sharp execution which this team displayed throughout the season but also for its class, courage, spirit and will to win; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend the 1983 Collinsville Panthers football team for its outstanding record.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to principal Samuel Clanton, head coach Raymond Weaver, his assistant coaches and each team member.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 41. COMMENDING MAJOR BOB R. MILNER FOR MERITORIOUS SERVICE WITH THE ALABAMA DEPARTMENT OF PUBLIC SAFETY.

WHEREAS, the Legislature of Alabama notes with highest commendation the exemplary service of Major Bob R. Milner with the Alabama Department of Public Safety, January 10, 1954—March 1, 1984; and

WHEREAS, following his first employment with the department's Highway Patrol Division at Pell City, Alabama, Major Milner served variously in Alex City, Grove Hill, Opelika and Montgomery, rapidly rising through the ranks of corporal, sergeant and lieutenant; and

WHEREAS, he was promoted to captain on April 3, 1967, at which time he transferred to the Service Division to head the Alabama Police Academy; following his next transfer to the Administrative Division as personnel officer, Major Milner was promoted to his present rank on December 10, 1969, and became Chief of the Service Division; and

WHEREAS, Major Milner's current and retirement position is that of Chief of the Alabama Bureau of Investigation, which tenure began November 29, 1978; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend Major Bob R. Milner for dedicated service and extraordinary accomplishment throughout his distinguished career with the Alabama Department of Public Safety.

BE IT FURTHER RESOLVED, That Major Milner be presented with a copy of this resolution which is tendered in highest praise and in expression of our sincere best wishes for his every continuing success.

On motion of Senator Teague, the Rules were suspended and the Reso-

lution was adopted by the Senate.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Polygraph Examiners Board.

Respectfully submitted,

ELVIN STANTON
Executive Secretary.

Done this 21st day of February, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following as an Advisory Consultant to the Polygraph Examiners Board for the term expiring January 14, 1988:

Justice D. Smyth, III
P. O. Drawer 1470
Montgomery, AL 36102

Respectfully submitted,

GEORGE C. WALLACE,
Governor.

Done this 21st day of February, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Polygraph Examiners Board, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Polygraph Examiners Board.

Respectfully submitted,

ELVIN STANTON,
Executive Secretary.

Done this 21st day of February, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following as a member of the Polygraph Examiners Board for the term expiring January 14, 1988:

Cecil Johnson
Polygraph Service
2278 Mt. Meigs Road
Montgomery, AL 36107

Respectfully submitted,
GEORGE C. WALLACE,
Governor.

Done this 21st day of February, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Polygraph Examiners Board, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Johnson (RG) (With Notice and Proof):

H. 175. To provide for purging the lists of registered voters in Talladega County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars, judge of probate and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 175, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Newman (With Notice and Proof):

H. 242. To authorize the Fayette County Board of Health to designate the services rendered by the Fayette County Health Department for which a reasonable fee may be charged. The Fayette County Board of Health is further required to set a maximum fee for each service. The Fayette County Health Department may charge and collect such fees. No citizen shall be deprived of any service because that person is unable to pay.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 242, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Newman (With Notice and Proof):

H. 243. To authorize the Lamar County Board of Health to designate the services rendered by the Lamar County Health Department for which a reasonable fee may be charged. The Lamar County Board of Health is further required to set a maximum fee for each service. The Lamar County Health Department may charge and collect such fees. No citizen shall be deprived of any service because that person is unable to pay.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 243, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Flowers (With Notice and Proof):

H. 246. Relating to Pike County; to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1983.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 246, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Flowers (With Notice and Proof):

H. 247. Relating to Pike County; to authorize all county law enforcement officers and the municipal law enforcement officers within Pike County to enforce the state's illegal waste dumping statutes to the same extent as Pike County health authorities are empowered to enforce such laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 247, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 175, 242, 243, 246, and 247. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Reso-

lution and sends same herewith to the Senate for its consideration:

By Rep. Campbell:

H. J. R. 70. WHEREAS, the Judicial System of the United States has developed into an overly expensive, overly time consuming, inefficient and inadequate method of enforcing the laws of the United States and of the various states and in insuring the rights and privileges of the citizens of this country, and

WHEREAS, the Judiciary, the Bar Association, and lawyers and judges as a whole have suffered and are suffering tremendous slippages in public esteem and public approval, and

WHEREAS, the Governor of the State of Alabama, governors of other states, and the Chief Justice of the United States Supreme Court have, both publicly and privately expressed sincere and serious concerns over developments that have taken place in the judicial system of the United States, and

WHEREAS, it is difficult, if not impossible for any individual state to make meaningful improvements in their individual judicial systems, without such improvements being coordinated with improvements in the entire judicial system of the United States, and

WHEREAS, the citizens of the greatest nation on earth are entitled to a judicial system which is equally great, but which obviously does not exist at the present time, and

WHEREAS, it is past the time for meaningful judicial reform to take place in the United States, which reforms must be led by the Congress of the United States and the Executive Department of the United States government, with the several states thereafter implementing appropriate action, and

WHEREAS, this problem is of such magnitude and is of such tremendous negative impact on the lives, freedoms, and well-being of the citizens of the United States that immediate remedial action is dictated.

THEN THEREFORE, BE IT RESOLVED, by the Legislature of the State of Alabama, both houses concurring, and with the approval of the Governor of the State of Alabama, we do hereby implore the President of the United States, and the United States Congress to act immediately, by the appointing of a special panel, task force, or commission to study the entire judicial system of the United States, and the several states, under a charge to fully investigate this matter and to make appropriate findings of fact, suggestions, and recommendations which may be implemented and which will be designed to bring about meaningful affirmative changes in the judicial system of the United States.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Governor, the President of the United States, the Alabama congressional delegation, and the Chief Justice of the United States Supreme Court.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 70, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Drake and Coburn:

H. J. R. 63. REQUESTING PRESIDENTIAL CANDIDATE WALTER MONDALE TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein extend a most cordial invitation to Presidential Candidate, Mr. Walter Mondale, to address the Alabama Legislature on Thursday, March 1, 1984, and that the Legislature convene in joint session at 10:30 a.m. on said date to hear Mr. Mondale's remarks.

BE IT FURTHER RESOLVED, That in hopeful anticipation of Mr. Mondale's acceptance, we hereby direct the Clerk of the House to inform Mr. Mondale, by copy of this resolution, of this invitation of the Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 63, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

H. J. R. 56. DESIGNATING THE PLACE OF MEETING OF THE ALABAMA LEGISLATURE AND AMENDING SJR 2, ACT NO. 83-850, FOURTH SPECIAL SESSION 1983.

WHEREAS, The Alabama State Capitol is to be repaired, renovated and restored beginning January 1, 1984, and

WHEREAS, Act No. 82-331 authorizes the Legislature to provide a suitable meeting place for the transaction of business while the Capitol is being repaired, renovated and restored; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the seventh floor of the Alabama Highway Department Building is hereby designated as the place of meeting for the Senate of the State of Alabama and the fifth floor of the Alabama Highway Department Building is hereby designated as the place of meeting of the Alabama House of Representatives beginning with any Session after the 1984 Regular Session. The Senate and House of Representatives will occupy the fifth, sixth and seventh floors of the Alabama Highway Department Building and any portion of the fourth floor of said building as may be needed for the transaction of any official legislative business and duties beginning January 1, 1984.

BE IT FURTHER RESOLVED, that the fifth, sixth and seventh floors

and any portion of the fourth floor as may be necessary of the Alabama Highway Department Building shall be designated and known as the Alabama State House pursuant to Act No. 82-331.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Rules were suspended and the Resolution, H. J. R. 56, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Mitchell:

H. J. R. 65. NAMING THE MAINTENANCE SHOP BUILDING AT THE NORTHPORT NATIONAL GUARD ARMORY THE "GEORGE H. MAYFIELD MAINTENANCE SHOP."

WHEREAS, Master Sergeant George Hugh Mayfield retired from the Alabama National Guard on December 16, 1982, following 34 years, six months and 25 days of military service including some three years active duty with the United States Army during World War II; and

WHEREAS, Sergeant Mayfield's December 31, 1982, retirement from the Alabama National Guard Technician Force, as organizational maintenance shop foreman, OMS #9, Northport, Alabama, concluded 31 years, six months and 25 days of technician service; and

WHEREAS, Sergeant Mayfield, a qualified rifleman and carbine sharpshooter, received numerous decorations and citations during his distinguished military career and he has been most particularly cited for meritorious service as organizational Maintenance Shop Chief from 1953 to 1982, during which time his commendable performance of duty and deep sense of personal honor reflected great credit upon himself and the Alabama National Guard; and

WHEREAS, in appreciation for outstanding service and in tribute to his many contributions as organizational maintenance shop foreman, it is entirely fitting that Sergeant Mayfield be appropriately honored by the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the maintenance shop building at the Northport National Guard Armory, the "George H. Mayfield Maintenance Shop."

BE IT FURTHER RESOLVED, That the proper authorities are hereby directed to erect and maintain appropriate signs and markers so designating said building as the "George H. Mayfield Maintenance Shop."

RESOLVED FURTHER, That Sergeant Mayfield receive a copy of this resolution as a memento of this honorary designation of the Alabama Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 65, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Bugg:

H. J. R. 58. MOURNING THE DEATH OF FIRE CHIEF DON WILEY AYERS OF REECE CITY, ALABAMA.

Also:

By Reps. Buskey (James), Kennedy, and Cosby:

H. J. R. 60. HONORING THE LATE FRANK P. THOMAS, JR., PROMINENT ALABAMA NEWSPAPER EDITOR AND PUBLISHER.

Also:

By Rep. Blakeney:

H. J. R. 61. COMMENDING THE THOMASVILLE, ALABAMA, JUNIOR WOMEN'S CLUB FOR OUTSTANDING ACCOMPLISHMENT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 58, 60, and 61, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Carter, Grouby, and Smith:

H. J. R. 64. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY THE STATE PARKS.

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study the Alabama state parks. The committee shall be composed of three members of each house, to be appointed by the presiding officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of our state park system including but not limited to the maintenance of existing facilities.

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Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1985 Regular Session. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 64, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holmes:

H. J. R. 57. WHEREAS, it has been the policy of the U.S. Government to respect all nations of the world; and

WHEREAS, the United States Government has exerted every effort to promote peace and harmony among the various nations of the world working through the United Nations; and

WHEREAS, the United States Government has attempted to bring harmony to the Egyptian Government through the Camp David Accord and also has provided substantial economic and financial assistance to Egypt; and

WHEREAS, the Egyptian Minister of Culture has insulted many Americans and particularly black Americans and has also placed an economic ban on one of our largest movie industries; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a recent statement made by the Egyptian Minister of Culture banning all Columbia pictures from being shown in the country of Egypt because they selected a black American to play the part of Anwar Sadat in a recent film produced by Columbia Pictures, was insulting to all Americans and particularly black Americans.

BE IT FURTHER RESOLVED That a copy of this Resolution be sent to the Egyptian Ministry in Washington D.C. and also to the Alabama Congressional Delegation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 57, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Gaston, Kvalheim, and Zoghby:

H. J. R. 68. RECOGNIZING RETIRED POLICE CHIEF WINSTON JONES ORR OF MOBILE, ALABAMA, FOR OUTSTANDING SERVICE.

Also:

By Reps. Gaston and Kvalheim:

H. J. R. 69. COMMENDING MS. BARBARA ELY PRUDHOMME OF MOBILE, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 68 and 69, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

REPORT FROM RULES

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 33. CREATING THE MADISON COUNTY TAX DISTRIBUTION STUDY COMMITTEE.

Also:

H. J. R. 51. COMMENDING MR. AND MRS. JAMES ALLEN JOHNSON ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 50. COMMENDING FORMER ALABAMA CONGRESSMAN ROBERT E. JONES AND INVITING HIM TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

Also:

H. J. R. 49. COMMEMORATING THE 75TH ANNIVERSARY OF 4-H.

Also:

H. J. R. 46. COMMENDING MISS SHERER HUCKABEE FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 44. COMMENDING COACH LeVAUGHN HANKS FOR

LONG AND DISTINGUISHED SERVICE TO THE YOUTH OF MOBILE COUNTY.

Also:

H. J. R. 43. COMMENDING MR. THOMAS CLARKE HUCKABEE OF MOBILE, ALABAMA, FOR OUTSTANDING SERVICE IN EDUCATION.

On motion of Senator Parsons, the Resolutions were then concurred in and adopted by the Senate.

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 36. COMMENDING MR. PRESTON GRAVES AS ALEXANDER CITY'S MAN OF THE YEAR.

Also:

S. R. 35. HONORING MASTER BARRY DUBOSE OF OPELIKA, 1984 ALABAMA EASTER SEAL POSTER CHILD.

Also:

S. R. 31. COMMENDING THE MEMBERS OF THE HOLLYWOOD FIRE DEPARTMENT.

Also:

S. R. 28. COMMENDING MR. LEROY PORTER FOR OUTSTANDING SERVICE TO FARMERS TELEPHONE COOPERATIVE.

On motion of Senator Parsons, the Resolutions were then adopted by the Senate.

Senator Parsons, Vice-Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 16. RECALLING ACT NO. 81-889, S. 32 OF THE FIRST SPECIAL SESSION 1981, PROPOSING A CONSTITUTION AMENDMENT ON BUDGETARY MATTERS AND THE LEGISLATIVE PROCESS, FROM THE SECRETARY OF STATE.

Senator Parsons then offered the following substitute for the Resolution, H. J. R. 16, to-wit:

SUBSTITUTE FOR H. J. R. 16

H. J. R. 16. STATING LEGISLATIVE AUTHORITY RELATIVE TO ACT NO. 81-889, S. 32, FIRST SPECIAL SESSION, 1981.

WHEREAS, it is the law as prescribed by the Constitution of the State of Alabama that within their respective spheres each branch of government is supreme and only the legislature, under the Constitution of Alabama of 1901, has the power to propose amendments to the Constitution and only the electorate may give viability to such amendments, and the power of the legislature is plenary in the enactment of laws; and

WHEREAS, the legislature hereby finds and declares as follows: that S.

32 of the First Special Session of the 1981 Legislature which was designated Act 81-889, was such a proposed amendment that never received final action and was pending at the close of the business of the 1982 Regular Session of the Alabama Legislature, and the constitution does not provide for carrying over pending legislative business to the next session; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That we do direct that this public document, along with other papers and documents of the House and Senate shall be kept in accordance with Sections 29-1-16(a)(2), 29-1-16(b) and 29-1-17, Code of Alabama 1975, with the records, papers and documents belonging to the legislature, and shall remain there until the legislature dictates otherwise.

RESOLVED FURTHER, That further action on this proposed amendment is improper, unconstitutional, and should be moot.

On motion of Senator Little, further consideration of the Resolution, H. J. R. 16, and pending substitute, was postponed subject to the call of the Chair.

RESOLUTIONS

Senators Smith (B), Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Little, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (J), Strong, and Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 42. COMMENDING THE UNIVERSITY OF ALABAMA'S NATIONAL CHAMPIONSHIP CHEERLEADERS.

WHEREAS, the Alabama Legislature notes with pride the latest in a long series of National Championships amassed by the University of Alabama; and

WHEREAS, on this occasion it was the University's cheerleaders who brought home the Title in the National Cheerleader Competition sponsored by Ford Motor Company; and

WHEREAS, it is to be noted that from an original 100-plus competing squads, nationwide, the field was narrowed to just eight teams, including the Crimson Tiders, who participated in the finals held in Honolulu, January 9-13, 1984; and

WHEREAS, the University of Alabama's National Champion Cheerleaders are Carla Knight, Ty Hare, Jeri Arendall, Sam Lovingood, Lisa Davis, Chip Shields, Lisa Grider, Carl Dann, Julie Smelser, Jon Turner, Marti Glaze and Doug Ruggles; Travis Wimberly serves as "Big Al," Joseph Johnson leads the cheers, Scott Erwin is the squad's manager and faculty advisor is Ms. Kathleen Randall; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep personal pride and pleasure, we hereby most highly commend and congratulate our National Champions, the University of Alabama Cheerleaders; we further share and rejoice in their accomplishments and direct that copies of this resolution be forwarded to the UA cheerleaders and to the University.

On motion of Senator Smith (B), the Rules were suspended and the Resolution was adopted by the Senate.

Senators Goodwin, Holmes, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Hand, Hilliard, Langford, Little, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong, and Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 43. MEMORIALIZING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO IMMEDIATELY APPOINT A SPECIAL PANEL, TASK FORCE OR COMMISSION TO STUDY THE ENTIRE JUDICIAL SYSTEM OF THE UNITED STATES.

WHEREAS, the Judicial System of the United States has developed into an overly expensive, overly time consuming, inefficient and inadequate method of enforcing the laws of the United States and of the various states and in insuring the rights and privileges of the citizens of this country, and

WHEREAS, the Judiciary, the Bar Association, and lawyers and judges as a whole have suffered and are suffering tremendous slippages in public esteem and public approval, and

WHEREAS, the Governor of the State of Alabama, governors of other states, and the Chief Justice of the United States Supreme Court have, both publicly and privately expressed sincere and serious concerns over developments that have taken place in the judicial system of the United States, and

WHEREAS, it is difficult, if not impossible for any individual state to make meaningful improvements in their individual judicial systems, without such improvements being coordinated with improvements in the entire judicial system of the United States, and

WHEREAS, the citizens of the greatest nation on earth are entitled to a judicial system which is equally great, but which obviously does not exist at the present time, and

WHEREAS, it is past the time for meaningful judicial reform to take place in the United States, which reforms must be led by the Congress of the United States and the Executive Department of the United States government, with the several states thereafter implementing appropriate action, and

WHEREAS, this problem is of such magnitude and is of such tremendous negative impact on the lives, freedoms, and well-being of the citizens of the United States that immediate remedial action is dictated.

THEN THEREFORE, BE IT RESOLVED, by the Legislature of the State of Alabama, both houses concurring, and with the approval of the Governor of the State of Alabama, we do hereby implore the President of the United States, and the United States Congress to act immediately, by the appointing of a special panel, task force, or commission to study the entire judicial system of the United States, and the several states, under a charge to fully investigate this matter and to make appropriate findings of fact, suggestions, and recommendations which may be implemented and which will be designed to bring about meaningful affirmative changes in the judicial system of the United States.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Governor, the President of the United States, the Alabama

congressional delegation, and the Chief Justice of the United States Supreme Court.

On motion of Senator Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Corbett offered the following Senate Joint Resolution, to-wit:

S. J. R. 44. CREATING SELECT COMMITTEE TO CONSIDER HOSTING SOUTHERN LEGISLATIVE CONFERENCE ON CHILDREN AND YOUTH IN ALABAMA.

WHEREAS, the Southern Legislative Conference on Children and Youth has enabled states to educate key decision makers, thereby resulting in the passage of major legislation benefiting and serving its youth; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a select committee to consider seeking Alabama as the host state for the Southern Legislative Conference on Children and Youth, to be called The Southern Conference on Children and Youth Committee. The committee shall consist of six (6) members as follows: The Governor, or his designee, the Director of the Youth Services Department, or his designee, the Lieutenant Governor, one Senate member selected by the Lieutenant Governor, the Speaker of the House, one House member selected by the Speaker.

The committee shall select from among its members a chairman. The committee shall meet upon the call of its chairman. The committee is authorized to employ clerical help for the committee's business.

The legislative members of the committee shall receive their regular legislative expenses, compensation and per diem for each day the committee meets, provided the entire expenses of the committee shall not exceed \$10,000.00.

There is hereby appropriated from funds available to the legislature such amounts not to exceed \$10,000.00, as are necessary for the committee's use.

Which was read and referred to the Standing Committee on Rules.

Senator Cooley offered the following Senate Joint Resolution, to-wit:

S. J. R. 45. AUTHORIZING THE JOINT LEGISLATIVE INTERIM COMMITTEE TO STUDY THE ALABAMA AERONAUTICS COMMISSION TO EMPLOY AN INVESTIGATOR.

WHEREAS, Act 83-803, S. J. R. 16, of the 1983 Third Special Session of the Alabama Legislature, created a joint interim committee to study the Alabama Aeronautics Commission to investigate all phases and activities of said commission; and

WHEREAS, the Legislature further recognizes the need to employ an investigator in order to investigate such phases and activities of the Alabama Aeronautics Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Legislative Interim Committee to Study the Alabama Aeronautics Commission is hereby authorized to employ an investigator to investigate and study all phases and activities of the Alabama Aeronautics Commission.

BE IT FURTHER RESOLVED, That there is hereby appropriated \$786.96 from the funds available for the legislature to be paid for compensa-

tion and expenses for any such investigator employed by said committee.

BE IT FURTHER RESOLVED, That the provisions of this Act shall be retroactive to the effective date of Act No. 83-803, S. J. R. 16, of the 1983 Third Special Session of the Alabama Legislature.

Which was read and referred to the Standing Committee on Rules.

NOTICE IN WRITING

Senator Cabaniss offered the following Notice in Writing, to-wit:

NOTICE IN WRITING

Notice is hereby given that on the next legislative day a Motion in Writing shall be introduced to amend Senate Rule 62 to read as follows:

RULE 62. No bill shall be reported out of committee by any means without the bill first having been voted on by roll call in the presence of a quorum of the committee in meeting assembled.

Which was read and ordered spread upon the Journal.

RESOLUTION

Senators Little and Dial offered the following Senate Resolution, to-wit:

S. R. 46. COMMENDING CAPTAIN E. L. ARRINGTON, RETIRED LANETT, ALABAMA, POLICE OFFICER.

Which was adopted.

FURTHER CONSIDERATION OF H. J. R. 16

The Senate proceeded to further consideration of the Resolution, H. J. R. 16. The question was on the substitute offered by Senator Parsons.

And said substitute for the Resolution, H. J. R. 16, was then adopted.

Yeas 14; Nays 7.

Yeas:

Senators:	deGraffenried	Goodwin	Smith (B)
Aldridge	Denton	Hand	Smith (J)
Bennett	Ellis	Langford	Strong
Corbett	Foshee	Parsons	

—14

Nays:

Senators:	Cabaniss	Dixon	Little
Bedford	Dial	Holmes	Mitchem

—7

And on motion of Senator Parsons, the Resolution, H. J. R. 16, as amended by the substitute, was then concurred in and adopted by the Senate.

Yeas 15; Nays 8.

Yeas:

Senators:	Corbett	Foshee	Parsons
Aldridge	deGraffenried	Goodwin	Smith (B)
Barron	Denton	Hand	Smith (J)
Bennett	Ellis	Langford	Strong

—15

*Nays:*Senators:
Bedford
CabanissDial
DixonHolmes
LittleMenton
Mitchem

—8

**COMMUNICATION FROM THE SUPREME COURT OF
ALABAMA**

Pursuant to Section 6.12 (a) of Amendment 328, Constitution of 1901, the recommendations concerning additional judgeships in the circuit courts in certain judicial circuits was read and ordered filed with the Secretary.

BILL RECONSIDERED

Senator Denton moved that the Senate reconsider the vote by which the Bill, S. B. 176, as amended by the committee substitute, as amended by the Denton substitute, as amended, was passed, which motion was adopted.

Senator Denton then moved that the Senate reconsider the vote by which the Bill, S. B. 176, as amended, was ordered to its third reading, which motion was adopted.

Senator Denton then offered the following substitute No. 2 for the Bill, S. B. 176, as amended by the committee substitute, as amended by the Denton substitute No. 1, as amended, to-wit:

**SUBSTITUTE FOR S. B. 176 AS AMENDED BY COMMITTEE
SUBSTITUTE, AS AMENDED BY DENTON SUBSTITUTE
NO. 1, AS AMENDED****A BILL
TO BE ENTITLED
AN ACT**

To provide facilities for displaying certain exhibits in cooperation with the Tennessee Valley Authority; to create the Tennessee Valley Authority Exhibit Commission of Alabama as an agency of the State of Alabama and to provide for its membership, terms, authority and duties; to authorize the issuance of revenue bonds to make an appropriation, for the fiscal year ending September 30, 1986, from certain funds received by the state in lieu of the payment of taxes pursuant to Title 40, Chapter 28, Code of Alabama 1975, and to amend Section 40-28-2, Code of Alabama 1975 therefor; to authorize the allocation and expenditure of funds; and to provide exemptions from all taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established a state agency to be known as the Tennessee Valley Authority Exhibit Commission of Alabama, which shall be a public body corporate with all the powers and privileges of a corporation, for the purpose of providing for and participating in the management and control of facilities to house and display such visual exhibits of energy related hardware and examples of technology used therefor as may be made available by the Tennessee Valley Authority. Such facility shall constitute a permanent housing for the Tennessee Valley Authority Exhibit, which shall be open to the general public and shall be located at a place to be designated in the vicinity of the Muscle Shoals area for a nominal cost through the cooperation of the Tennessee Valley Authority or at such other locations as the commission may deem appropriate. The commission is further empowered to provide such facilities as will be mutually

agreed upon between the commission and the Tennessee Valley Authority for the housing and display of energy related hardware and technology, navigational river and tributary development practices, agriculture technology and innovations of the National Fertilizer Development Center, and wildlife and environmental practices and protections, and mankind and his historical achievements and mementos of the Tennessee Valley Authority. The commission is further empowered to establish an information and exhibit center in order to provide information to the public on research and development in the field of energy related hardware and technology, navigational river and tributary development practices, agriculture technology and innovations, wildlife and environmental practices and protections and mankind and his historical achievements as developed by the Tennessee Valley Authority, the energy research and development administration, other federal and state agencies, including universities and colleges, and other public and private sectors engaged in energy related activities.

Section 2. The commission created herein shall consist of 16 members, to be appointed by the governor and confirmed by the senate, and shall be bona fide residents and qualified voters of this state. The sixteen (16) members of the commission shall be appointed one (1) each from the following counties of: Calhoun, Cherokee, Colbert, Cullman, DeKalb, Etowah, Franklin, Jackson, Jefferson, Lauderdale, Lawrence, Limestone, Madison, Marshall, Morgan and Winston in such a manner as to provide general representation on the commission, but all members shall be qualified persons of unquestioned loyalty to his country who are knowledgeable and interested in energy, river development, agriculture, wildlife and mankind and in the promotion of interest in such fields. Eight of the original members shall be appointed for terms of four years, and eight members shall be appointed for terms of eight years. Thereafter, all members shall serve for terms of eight years. All members shall serve until their successors are appointed and qualified, but any member may be removed by the Governor for just cause. Vacancies for any reason whatsoever shall be filled in the same manner as original appointments are made. The first Chairman of the commission shall be appointed by the Governor from among the original appointees. Thereafter, each succeeding chairman shall be selected by the other members of the commission. Members of the commission shall serve without compensation. The commission shall hold at least one annual meeting at the site of the exhibit, and one half of the members shall constitute a quorum for the transaction of any business which may properly come before the commission at any such meeting. The commission shall be authorized to provide for an executive committee of not fewer than five of its members to whom it may delegate such powers and authority as the commission may deem to be advisable.

Section 3. The commission shall be authorized:

a. To investigate and select an available site for housing the exhibits, including the surrounding grounds, in cooperation with the Tennessee Valley Authority and the community, taking into consideration all pertinent factors affecting the suitability of such site;

b. To acquire by rent or lease agreement or otherwise the necessary housing facilities and to establish, improve and enlarge the available facility, including providing it with necessary equipment, furnishings, landscaping and related facilities, including parking areas and ramps, roadways, sewers, curbs and gutters;

c. To enter into such contracts and cooperative agreements with the

local, state and federal governments, with agencies of such governments, including the Tennessee Valley Authority, with private individuals, corporations, associations and other organizations as the commission may deem necessary or convenient to carry out the purpose of this act, such contracts and agreements to include leases to private industry;

d. To borrow money from private sources or such other source as may be acceptable to the commission under such terms and conditions as may be provided by law and, in order to provide security for the repayment of any such private loans, to pledge such future revenues from admissions and any other sources as may from time to time be necessary or desirable.

e. To issue and sell at any time, and from time to time, its revenue bonds for the purpose of providing funds to acquire, enlarge, improve, equip and maintain a facility and for the payment of obligations incurred for such purposes. The principal and interest on any such revenue bonds shall be payable solely out of the revenues derived from the project;

f. To make such contracts in the issuance of its bonds as may seem necessary or desirable to assure their marketability and to provide for their retirement by a pledge of all or any revenue which may come to the commission from the investment of the proceeds of the sale of such bonds or from any other source whatsoever;

g. To accept public or private gifts, grants and donations;

h. To acquire property by purchase, lease, gift or license, such power not to include the purchase of a site for the facility;

i. To allocate and expend funds from all donations, income and revenue from any source whatsoever coming into its treasury for the fulfillment and accomplishment of its duties and responsibilities in such manner as may be necessary and appropriate for the perfection of the purposes of this act;

j. To sell, convey, transfer, lease or donate any property, franchise, grant, easement, license or lease or interest therein which it may own and to transfer, assign, sell, convey or donate any right, title or interest which it may have in any lease, contract, agreement, license or property;

k. To employ an executive director and such additional personnel as may be necessary to accomplish the purposes of this act. The executive director and such additional personnel as may be employed by the commission will serve at the pleasure of the commission. The commission shall fix the compensation of the executive director, and such additional personnel and such compensation shall be paid from any funds of the commission. The commission shall designate the duties and authority of the executive director and such additional personnel. The executive director and such additional personnel shall not be subject to the provisions of the state Merit System Act; provided, however, that they shall be eligible for participation in the state health insurance plan and benefits as provided, and they shall be eligible for participation in the state employees' retirement system under the provisions governing counties, cities, towns and other quasi-public organizations of the state;

l. To make such rules and regulations as the commission may deem necessary and desirable to provide for the operation, management and control of the facility in cooperation with the Tennessee Valley Authority; and

m. To perform such other acts necessary or incidental to the accomplishment of the purposes of this act, whether or not specifically authorized

in this section, and not otherwise prohibited by law.

Section 4. All revenue bonds issued by the commission shall be solely and exclusively the obligations of the commission and shall not create an obligation or debt of the state or of any county or of any municipality within the state.

Section 5. In view of the unique character and complexity of the duties and responsibilities imposed on the commission by this act, it is hereby specifically provided that the commission shall have, in addition to the power and authority enumerated in Section 3 of this act, the right, power and authority to:

a. Develop and institute a program of promotion and advertising of the exhibits and facilities provided for by this act, said program of promotion and advertising to be conducted by the commission both within and without the state in such manner and to such extent as may be deemed economically advisable and appropriate by the commission;

b. Purchase and acquire items of tangible personal property on a competitive bid basis in the manner prescribed by law for the purchase of such items by state trade schools, state junior colleges and state colleges and universities under the supervision and control of the state board of education, the city and county boards of education, the district boards of education of independent schools districts, the county commissions and the governing bodies of the municipalities of the state and the governing boards of instrumentalities of counties and municipalities.

c. Operate itself or, in its discretion enter into lease agreement with a person or agency of its choosing to operate, all concessions located in or on the grounds and facilities operated by the commission, any such lease agreement to be so designated as to provide maximum services and convenience to the patrons of the exhibit center and to provide reasonable revenue return to the commission.

Section 6. It shall be the duty of the commission to maintain at all times accurate records and books of account covering revenues and expenditures which shall be subject to the audit of the department of examiners of public accounts.

Section 7. The commission, its property and income and all bonds issued by the commission, the income from such bonds or from the investment of such income and all conveyances, leases, mortgages and deeds of trust by or to the commission shall be exempt from all taxation in the state of Alabama.

Section 8. The provisions of this act shall be construed liberally, it being the purpose to provide in this state appropriate housing facilities for displaying to the general public exhibits of the Tennessee Valley Authority and for providing for the management and control of that portion of the display furnished and supplied by the Tennessee Valley Authority by such means as may be feasible and agreed upon.

Section 9. Section 40-28-2, Code of Alabama 1975, is hereby amended to read as follows:

"§ 40-28-2. (a) Beginning in the fiscal year ending September 30, 1980, the state of Alabama will annually transfer to the counties in Alabama served by T.V.A. a portion of the in-lieu-of-taxes payments made by T.V.A.

to the state of Alabama. Such transfer of funds shall be according to the following schedule:

For the Fiscal Year:	Percentage of In-Lieu-of-Taxes Payments Transferred to T.V.A.- Served Counties by the State Shall Be:
1979-80	20%
1980-81	30%
1981-82	40%
1982-83	50%
1983-84	60%
1984-85	70%
1985-86	
and each fiscal year thereafter	75%

It is expressly provided that in the fiscal year 1985-86, that the first \$1.9 million received from the State's 20% share is hereby appropriated to the Tennessee Valley Authority Exhibit Commission of Alabama for its purposes of general operations, capital outlay and for implementation of its duties and obligations created by legislation enacted during the 1984 regular session.

“(b) In addition to the distribution provided for in subsection (a) of this section, the state shall distribute each fiscal year five percent of the in-lieu-of-taxes payments to the dry counties and municipalities therein which are not served by T.V.A. Said five percent shall be distributed on the same proportionate basis that each such county received in fiscal year 1978-79 from A.B.C. payments as compared to the total A.B.C. payments received by all dry counties not served by T.V.A. during the same fiscal year. The distribution of such in-lieu-of-taxes payments between each dry non-T.V.A. served county and the municipalities located therein shall be made pro rata on the basis of A.B.C. payments received by each such jurisdiction in the fiscal year 1979 to the total A.B.C. payments to the county and all municipalities in such county in the fiscal year 1979. Such distribution to the municipalities will be administered by the county governing body.

“(c) Any T.V.A.-served dry county which is eligible to receive funds under the provisions of section 40-28-3 shall receive from that portion of the in-lieu-of-taxes payments not less than that amount which said county received in A.B.C. payments in the fiscal year 1978-79.”

Section 10. The provisions of this Act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 12. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Bedsole	Cabaniss	Denton
Amari	Bennett	Cooley	Dial
Barron	Bishop	Corbett	Dixon

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Foshee	Hand	Little	Strong	
Goodwin	Langford	Smith (B)		—18

Nays: —0

Senator Denton then offered the following amendment to his substitute No. 2 for the Bill, S. B. 176, as amended, to-wit:

**AMENDMENT TO SUBSTITUTE NO. 2 FOR S. B. 176 AS
AMENDED BY COMMITTEE SUBSTITUTE, AS AMENDED
BY DENTON SUBSTITUTE NO. 1, AS AMENDED**

Amend S. B. 176 by adding the following sentence on line 27, page 2, after the word "authority.", viz:

All such facilities shall be principally constructed out of oolitic shadow vein Alabama limestone.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Bennett	Denton	Little	
Aldridge	Bishop	Dial	Smith (B)	
Amari	Cabaniss	Foshee	Smith (J)	
Bedford	Cooley	Holmes	Strong	
Bedsole	Corbett	Langford		—18

Nays: —0

And said Bill, S. B. 176, as thus amended by the committee substitute, as amended by the Denton substitute No. 1, as amended by the Bedford amendment, as amended by the Denton substitute No. 2, as amended, was again read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 20; Nays 0.

Yeas:

Senators:	Bennett	Dial	Mitchem	
Aldridge	Cabaniss	Ellis	Smith (B)	
Amari	Cooley	Hand	Smith (J)	
Barron	Corbett	Langford	Strong	
Bedford	Denton	Little	Teague	
Bedsole				—20

Nays: —0

REPORTS OF COMMITTEES

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator deGraffenried (With Amendment):

S. 115. To redefine the term "gross income" as prescribed in Title 40, Chapter 18, Article 14, Code of Alabama 1975, relating to gross income exclusions, to conform Alabama income tax exclusions to Federal income tax

exclusions of employer contributions on behalf of an employee to a trust which is part of a qualified cash or deferred arrangement (as defined in 26 USCA 401(k) (2)) under which the employee has an election whether the contribution will be made to the trust or received by the employee in cash; to provide the provisions of this act shall be construed in pari materia with other law or parts of laws relating to income tax exclusions except where there is a direct conflict; and to provide an effective date.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Mitchem, Little, Barron, Dial, Aldridge, Hand, Bailey, Smith (J), Langford, Holmes, Denton, Foshee, Smith (B), Amari, Goodwin, Bennett, Cooley, Covington, Dixon, Drinkard, Parsons, Teague, Strong, Hilliard, Corbett, and deGraffenried:

S. 314. To provide that any appropriations made to the Public Education Employees' Health Insurance Board for the purpose of funding a uniform plan of health insurance for educational personnel shall also include an appropriation to the Public Education Employees' Health Insurance Board for partially funding insurance coverage for retired employees.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were read a second time and placed on the calendar, to-wit:

By Senators Mitchem and Little (With Substitute):

S. 316. To provide for a one-time appropriation from the special educational trust fund to the emergency secondary education scholarship fund for the 1984-85 academic year to become effective on October 1, 1984.

By Senators Mitchem and Little (With Substitute):

S. 317. To amend Section 16-23-18 and 16-23-21 of the Code of Alabama 1975, relating to teacher training and certification, so as to provide further for the emergency secondary education scholarship fund and for regulations and certain penalties relating to recipients of such scholarships.

Senator Langford, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were read a second time and placed on the calendar, to-wit:

By Senators Corbett, Covington, Dixon, Holmes, Menton, and Bennett:

S. 30. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Cosmetology as provided in Sections 34-7-1 through 34-7-47, Code of Alabama 1975, and the legislature's concurrence thereof.

By Senator Teague:

S. 76. To further regulate and control transactions in alcoholic beverages which take place in Alabama by and under the supervision of the Alabama alcoholic beverage control board; to authorize municipal option elections to determine classification of municipalities as wet or dry municipalities as to alcoholic beverages; to provide that any municipality

having a population of 6,000 or more located in a dry county, may change its classification from dry to wet or wet to dry by a municipal option election, upon the petition of 10% of the number of registered voters in said municipality; to provide for the manner and requirements of holding said municipal option election and for payment of the expenses of same; and to provide that a period of not less than 720 days must elapse between the dates of such municipal option elections.

By Senators Dixon, Langford, Cabaniss, Smith (J), and Teague:

S. 56. To further provide for payroll deductions for state employees.

By Senator Parsons:

S. 106. To amend Section 38-2-7 of the Code of Alabama 1975 relating to the county boards of pensions and security so as to further provide for the election of one member of each county board by the employees of the local county department of pensions and security.

By Senator Denton:

S. 170. To provide that the governing body of any municipality, with a population of less than 5,000 persons, by resolution duly adopted, may abolish or create a civil service system or other personnel board; to continue all rights, interest and privileges which certain employees have in any civil service or merit system within any such municipality; to prescribe that the provisions of this act shall be construed in pari materia with Section 36-27-6, Code of Alabama 1975, permitting certain governing boards, including municipalities to elect to have its eligible officers and employees participate in the state retirement systems; and to repeal conflicting laws.

By Senator Smith (J):

S. 219. To repeal section 34-6-8, Code of Alabama 1975, which prohibits the operation of pool or billiard tables outside of an incorporated city or town having a police force.

By Senator Little:

S. 285. To amend Section 36-17-3 of the Code of Alabama 1975, relating to the duties and functions of the state treasurer.

By Senator Little:

S. 287. To amend Section 36-17-16 of the Code of Alabama 1975 so as to further provide for the destruction of cancelled state warrants.

By Senators Cooley, Denton, and Bedford:

S. 313. To amend Section 40-6A-2, Code of Alabama, 1975, which is related to the compensation of the tax assessors, tax collectors, revenue commissioners, license commissioners or other persons charged with assessing and collecting ad valorem taxes in the various counties of this State so as to provide further for the method of payment of salaries established in said chapter.

Senator Aldridge, Chairperson of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report,

with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Foshee and Teague (With Amendment):

S. 136. Establishing a state board of barber examiners and prescribing procedures for the licensing and practice of barbering and barber colleges and providing penalties for violations of the Act.

Senator Aldridge, Chairperson of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Dixon:

S. 171. To amend Section 34-9-18 of the Code of Alabama 1975, relating to the practice of dentistry so as to provide that repeated irregularities in billing an insurance company or other third party payer for services rendered a patient, may be grounds for suspending a license to practice dentistry.

Senator Holmes, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were read a second time and placed on the calendar, to-wit:

By Senator Holmes:

S. 15. To make an appropriation from the Special Educational Trust Fund to the State of Alabama Small Business Procurement System.

WHEREAS, in 1982 the U. S. Government spent \$3.2 billion for procurement in Alabama and Alabama firms received only five percent (5%) of that business; and

WHEREAS, the purpose of the System is to build on the existing network of twelve (12) Small Business Development Centers (SBDC's) in Alabama to develop government procurement/contracting opportunities for Alabama small businesses; and

WHEREAS, the proposed automated data-based State of Alabama Small Business Procurement System would have the following configuration:

1. System development, maintenance, and control functioning would be housed at the ASBDC State Office at The University of Alabama in Birmingham.

2. System Input—Information concerning invitations for bid (IFB), pre-bid announcements and related contract data would be accumulated from federal government purchasing offices in Florida, Georgia, Alabama, Mississippi, Louisiana, and Tennessee; State of Alabama purchasing offices; local government agencies including county, city, school board, and related agencies; and prime contractors and private industry summarized and entered into the system. Contracting capabilities of Alabama firms would be entered into the system.

3. System Output—System would match each client firm's capabilities with contracting opportunities and prepare pre-mailer to firm as notification of the contracting opportunity on a weekly basis. This output would occur at each of the twelve (12) local SBDC's. Local SBDC staff would provide follow-through with client firms and on-going consultation; and

WHEREAS, the proposed System, after two (2) years of operation, should double the amount of government contracting dollars going to Alabama's small businesses; now therefore,

By Senator Holmes:

S. 16. To require that contracts entered into by the State of Alabama must be executed in a timely manner.

By Senator Holmes:

S. 17. To amend Section 25-10-6, Code of Alabama 1975, which provides for the membership on the small business assistance advisory council, so as to increase legislative members on the council.

By Senator Holmes:

S. 18. To create, within the office of the Governor, an Alabama Small Business Office of Advocacy to serve as the principal advocate in the state on behalf of small businesses, including advisory participation in the consideration of legislation and administrative regulations affecting small businesses; to specify the functions and duties of the office; and to require the office to submit an annual report to the Governor and the legislature describing the activities and recommendations of the office.

By Senator Holmes:

S. 20. To permit small businesses and individuals to recover the costs of defending against a state agency when they prevail in court upon appeal.

By Senator Holmes:

S. 21. To create a regulatory information service within the Alabama Development Office to provide assistance and information to citizens interested in establishing or engaging in a commercial activity.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were read a second time and placed on the calendar, to-wit:

By Rep. Laird (With Notice and Proof):

H. 130. To authorize the governing body of Randolph County, Alabama, to levy and collect special county privilege and license taxes, paralleling the state sales taxes provided for in Division 1 of Article I of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended and special county excise taxes paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; to specify the rates at which such taxes may be levied; to provide for the ascertainment, collection, payment, and distribution and use of the proceeds of the said taxes if levied by the said governing body, and for the enforcement of this act by the State Department of Revenue; to specify the maximum duration for which any such taxes may be levied; to provide for the use of said proceeds; to provide that the proceeds of such tax shall be used to pay the cost of constructing, furnishing and maintaining a county jail and/or a county courthouse; to prescribe penalties and fix punishment for violations of this act; to provide for the expiration of those taxes levied and imposed under authority of this act; to make the provisions of this Act retroactive to January 1, 1984; and to provide for the collections of such taxes.

By Senator Dial (With Notice and Proof):

S. 218. Relating to Cleburne County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, abolishing the offices of tax assessor and tax collector, repealing conflicting laws; and providing for a referendum thereon.

Senator Aldridge, Chairperson of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Corbett (With Substitute):

S. 7. To require the testing of certain students in public schools for idiopathic scoliosis.

Senator Pearson, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were read a second time and placed on the calendar, to-wit:

By Senator Parsons (With Notice and Proof):

S. 236. Relating to Jefferson County; providing for the salary of the Assistant Tax Assessor payable from the County General Fund.

By Senator Parsons (With Notice and Proof):

S. 237. Relating to Jefferson County; providing for an expense allowance for the Assistant Tax Assessor payable from the County General Fund and for an expiration date.

By Senator Parsons (With Notice and Proof):

S. 239. Relating to Jefferson County; providing for an expense allowance for the Assistant Tax Collector payable from the County General Fund and for an expiration date.

By Senator Parsons (With Notice and Proof):

S. 234. Relating to Jefferson County; providing for the salary of the Assistant Tax Collector payable from the County General Fund.

Senator Pearson, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Hilliard (With Notice and Proof) (With Substitute) (With Amendment):

S. 319. To make certain legislative findings regarding horse racing and pari-mutuel wagering thereon in Class 1 municipalities (now defined by statute to be cities with a population of 300,000 inhabitants or more as certified by the 1970 federal decennial census); to define the particular terms used in the substantive provisions of this Act; to authorize the creation of a racing commission in any Class 1 municipality; to provide for a referendum of the voters of any Class 1 municipality on the question of whether this Act

will become effective in such municipality; to provide that horse racing and pari-mutuel wagering thereon shall be lawful in any Class 1 municipality in which a racing commission shall be incorporated pursuant to the provisions of this Act; to provide for the designation or appointment and the terms of office of the members and officers of any such racing commission; to provide for and authorize the incorporation of any such racing commission upon the filing by the members thereof of an application with the Secretary of State; to specify the general powers and duties of any such racing commission, including the power to adopt rules and regulations governing diverse aspects of horse racing, the exposure of the public thereto, and the conduct of pari-mutuel wagering thereon; to provide for the issuance by any such racing commission of licenses for owners and operators of racing facilities; to prescribe the methods for applying for such licenses, the manner in which such applications are to be reviewed by any such racing commission, and the terms and conditions upon which such licenses shall be granted and held; to provide for the suspension or revocation of any such license; to provide for the issuance by any such racing commission of permits to companies and individuals engaged in certain activities related to horse racing; to prescribe the method for applying for such permits and the manner in which such applications are to be reviewed by any such racing commission; to provide for the suspension or revocation of any such permit; to authorize and provide rules for the conduct of pari-mutuel wagering on horse racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools which are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of a license fee for pari-mutuel wagering by each licensed operator to the racing commission licensing such operator and to specify the method for determining the amount of any such fee; to provide that any such racing commission may enter into contracts with licensed operators to establish limits on the license fees payable by such operators and that any such contract shall not be impaired by a subsequent Act of the Legislature; to authorize any such racing commission to make rules and regulations under which television or radio coverage of racing events held outside the state may be transmitted to racing facilities governed by such racing commission and made the subject of pari-mutuel wagering under the provisions of this Act; to authorize any such racing commission to make rules and regulations under which television or radio coverage of racing events held at racetracks under the jurisdiction of such commission may be transmitted for the entertainment of the public or for the purpose of pari-mutuel wagering at locations outside the state; to provide that a specified percentage of total pari-mutuel wagering revenues shall be used for purses to be paid to the owners of horses competing in races; to provide for the establishment by each racing commission of a special fund for the purpose of promoting the breeding, raising and racing of thoroughbred and standardbred horses in the state, to specify the source and amounts of moneys for such fund, to specify certain purposes for which the moneys in such fund shall be used, and to authorize such racing commission to make rules and regulations for the administration of such fund and the disbursement of moneys therefrom; to specify the purposes for which the net revenues of each racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to prohibit certain activities related to racing events; to provide that certain prohibited activities constitute crimes and to specify the penalties therefor; to provide that the provisions of this Act shall be severable; to provide that this Act shall govern in the event of a conflict between its provisions and existing laws; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise horse rac-

ing and pari-mutuel wagering thereon in Class 1 municipalities.

UNFINISHED BUSINESS BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 40. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Mine Personnel as provided in Sections 25-9-1 through 25-9-370, Code of Alabama 1975, and the legislature's concurrence thereof.

and pending substitute, which said substitute is set out in the Journal of the Senate for the Fifth Legislative Day.

And said substitute for the Bill, S. B. 40, was then adopted by the Senate.

Yeas 18; Nays 0.

Yeas:

Senators:	Bishop	Dixon	Parsons	
Aldridge	Cabaniss	Ellis	Smith (B)	
Amari	Corbett	Goodwin	Smith (J)	
Bedsole	deGraffenried	Holmes	Teague	
Bennett	Dial	Little		—18

Nays: —0

And said Bill, S. B. 40, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Holmes	Smith (B)	
Bedford	deGraffenried	Langford	Smith (J)	
Bedsole	Denton	Little	Strong	
Bennett	Dixon	Menton	Teague	
Cabaniss	Hand	Mitchem		—18

Nays: —0

The Bill:

S. 91. To amend Section 8-8-5 of the Code of Alabama 1975, which relates to interest rates, so as to remove the Sunset or termination date on the provisions of said section as it applies to loans of \$25,000.00 or less.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Bennett	Dixon	Menton	
Bailey	Cabaniss	Goodwin	Smith (B)	
Barron	Corbett	Hand	Smith (J)	
Bedford	deGraffenried	Holmes	Teague	
Bedsole	Dial	Little		—18

Nays:

—0

NOTICE IN WRITING

Senator Dixon offered the following Notice in Writing, to-wit:

NOTICE IN WRITING

Notice is hereby given in accordance with Senate Rules that on the next legislative day a motion will be made to amend Senate Rule No. 1 as follows:

Rule 1:

(a) The presiding officer shall call for a prayer to be delivered by the Chaplain of the Day.

(b) The presiding officer shall then call for recitation of the Pledge of Allegiance to the Flag of the United States of America.

(c) The President shall take his chair precisely at the hour to which the Senate has been previously adjourned. He shall call the Senate to order and cause the roll to be called. If there is a quorum present, the Senate shall proceed with the transaction of its business, if there be no quorum present, a lesser number may adjourn from day to day and compel the attendance of absent members, as provided in Rule 39.

Which was read and ordered spread upon the Journal.

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills, respectively, and finds same correctly engrossed, to-wit:

S. 40. To amend Section 25-9-9 of the Code of Alabama 1975, so as to provide further for the composition of the board of examiners to certify competency for fire bosses and mine foremen.

Also:

S. 176. To provide facilities for displaying certain exhibits in cooperation with the Tennessee Valley Authority; to create the Tennessee Valley Authority Exhibit Commission of Alabama as an agency of the State of Alabama and to provide for its membership, terms, authority and duties; to authorize the issuance of revenue bonds to make an appropriation, for the fiscal year ending September 30, 1986, from certain funds received by the state in lieu of the payment of taxes pursuant to Title 40, Chapter 28, Code of Alabama 1975, and to amend Section 40-28-2, Code of Alabama 1975 therefor; to authorize the allocation and expenditure of funds; and to provide exemptions from all taxes.

CHARLES BISHOP,
Chairperson.

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills, respectively, and finds same correctly engrossed, to-wit:

S. 22. To amend the "Hazardous Waste Management Act of 1978," as amended, specifically amending Sections 22-30-3, 22-30-12, 22-30-13, 22-30-15, 22-30-16, 22-30-17, 22-30-18, 22-30-19 and 22-30-21, Code of Alabama 1975, so as to clarify the definition of disposal and add a definition of transporter; ensure that the Alabama Department of Environmental Management (ADEM) has sufficient time to review permit applications prior to approval or disapproval; more fully define the responsible party for permit issuance; require that out-of-state shipments of hazardous waste be transported to and disposed of at only those facilities which have been approved by the United States Environmental Protection Agency (EPA) or a state pursuant to a hazardous waste management program approved by EPA; clarify the Alabama program's authority to promulgate transporter regulations to protect human health and the environment; clarify the application of trade secret protection; clarify and enlarge the penalties section by amending the civil monetary penalties section, eliminating duplicate criminal liability provisions and clarifying the state's authority to require correction of violations; provide that the 90-day exemption relating to the storage of hazardous waste applies only to on-site storage by the generators of such waste; provides for further regulation of certain transporters; and allow the substitution of proper shipping papers for the manifest for certain transporters.

Also:

S. 42. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Liquefied Petroleum Gas Board as provided in Sections 9-17-100 through 9-17-110, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 79. To amend Section 17-16-6, Code of Alabama 1975, which relates to the time and place for holding primary elections, except special primary elections and presidential preference primaries, so as to provide that primary elections shall be held on the first Tuesday in June, and a runoff election, if necessary, shall be held on the fourth Tuesday thereafter, effective June 5, 1985, and thereafter.

Also:

S. 248. Relating to Cullman County; to amend the title and Section 1 of Act No. 515, S. 755, 1977 Regular Session (Acts 1977, p. 681), which deals with "flea" markets operating on Sunday, so as to provide for nurseries and other businesses to operate on Sundays during certain business hours and providing that the provision of subsection (c) of Section 1 of this Act relating to businesses other than nurseries shall not become effective until approved at a referendum election held for such purpose.

Also:

S. 39. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Heating and Air Conditioning Con-

tractors as provided in Sections 34-31-18 through 34-31-34, Code of Alabama 1975, and the legislature's concurrence thereof.

CHARLES BISHOP,
Chairperson.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 4

S. J. R. 5

S. J. R. 6

S. J. R. 10

S. J. R. 13

S. J. R. 14

S. J. R. 19

Delivered to the Governor, February 21, 1984, at 3:15 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 12:45 P.M., on motion of Senator Hilliard, in accordance with motion heretofore adopted, the Senate adjourned until Tuesday, February 28, 1984, at 12 o'clock Noon.

**SEVENTH LEGISLATIVE DAY
TUESDAY, FEBRUARY 28, 1984**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by the Reverend Jack Thompson, Associate Minister, Frazer Memorial United Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Cabaniss	Ellis	Little
Aldridge	Cooley	Figures	Menton
Amari	Corbett	Foshee	Parsons
Bailey	Covington	Goodwin	Sanders
Barron	deGraffenried	Hand	Smith (B)
Bedford	Denton	Hilliard	Smith (J)
Bedsole	Dial	Holmes	Strong
Bennett	Dixon	Langford	Teague
Bishop	Drinkard		

—33

JOURNAL

On motion of Senator Little, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Sixth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator Little, leave of absence was granted Senators Mitchem and Pearson for today.

MOTION TO RECESS

Senator Little moved that at 12:20 P.M., the Senate take a recess until 2 o'clock P.M., which motion was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 16. STATING LEGISLATIVE AUTHORITY RELATIVE TO ACT NO. 81-889, S. 32, FIRST SPECIAL SESSION, 1981.

JOHN W. PEMBERTON,
Clerk.

RECESS

At 12:20 P.M., in accordance with motion heretofore adopted, the Senate took a recess until 2 o'clock P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 47. BE IT RESOLVED BY THE SENATE that the following bill and resolution in the order named shall be the special, paramount and continuing order of business taking precedence over all other matters until disposed of:

BILL NO.	DESCRIPTION	PAGE NO.
S. B. 308	Gambling, committee to create study	21
	Motion in Writing — Senator Little	

On motion of Senator Denton, the Resolution was adopted by the Senate.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Hilliard:

S. 354. To provide for the establishment of The Alabama Municipal Trade Mart Authority to be located in the City of Birmingham. The creation of the Alabama Municipal Trade Mart Authority, a public corporation, is for the purpose of creating, financing, establishing, maintaining and operating The Alabama Municipal Trade Mart to be located in Birmingham; provide for the board of directors of said Authority, the composition, membership, terms of office, powers and duties of said Board; to authorize the Authority to construct, maintain, control, operate and manage said trade mart; and to authorize the issuance of bonds by the Authority for the purpose of carrying out the provisions of this act.

Committee on Health and Welfare.

By Senators Holmes and Bedford:

S. 355. To provide for the establishment of the Special Services Division of the District Attorney's Office of each Judicial Circuit and further

establish a unit for the expedient treatment of worthless checks.

Committee on Judiciary.

By Senator Cooley:

S. 356. To amend Section 11-3-4.1, Code of Alabama, 1975, as amended, which relates to commissioners' minimum compensation so as to further provide for such compensation and to provide a minimum compensation for revenue commissioners and to further provide for such compensation.

Committee on Governmental Affairs.

By Senator Parsons:

S. 357. To amend the Alabama Administrative Procedure Act, Act No. 81-855, Acts of Alabama 1981 (codified as Chapter 22, Title 41, Code of Alabama 1975), by specifically amending § 41-22-3, Code of Alabama 1975, relating to the definition of "agency" to include the Alabama Department of Environmental Management and to delete those exempted agencies which no longer exist, and relating to the definition of "rule" to exempt from that definition any form which is specifically required by federal statute or by federal rule or regulation, but providing that all forms must be on file with the secretary of the agency and with the legislative reference service and published in the agency administrative code and relating to the definition of "contested case" to exempt from that definition and the provisions of §§ 41-22-12 through 41-22-21, Code of Alabama 1975, tax assessments, determinations, redeterminations and appeals, and related procedures and adjudicative proceedings which are governed by Title 40, Code of Alabama 1975 and which are governed by Article 7, Chapter 4, Title 25, Code of Alabama 1975 and certain pardon and parole hearings; by amending § 41-22-6, Code of Alabama 1975, relating to the effective dates of rules so as to permit an effective date of less than 35 days where the action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than 35 days' notice; by amending § 41-22-8, Code of Alabama 1975, relating to the time limitation placed upon agency action upon a petition in writing requesting the adoption, amendment or repeal of a rule so as to grant an agency which has its next regularly scheduled meeting beyond said 60-day period, the authority upon written notice to extend the period for not more than 30 days within which to deny or initiate rule-making proceedings; by amending § 41-22-11, Code of Alabama 1975, to correct appeals reference; by amending § 41-22-12, Code of Alabama 1975, relating to contested cases to permit, where now permitted by existing statute, delivery of notice of hearing by first-class mail, postage prepaid, to be effective upon the deposit of the notice in the mail; and further to provide that where the statutory determinative process is a multi-level procedure, the opportunity to present evidence need be afforded at only one level in the process unless otherwise provided by statute; by amending § 41-22-13, Code of Alabama 1975, relating to rules of evidence so as to provide that, where judicial review is by a trial de novo, it is not necessary to make objections or for the agency to rule upon objections during a hearing, where such procedure is announced in advance of hearing, but requires the agency in such case to consider only such testimony and evidence as is relevant, material, competent and legal; by amending § 41-22-16, Code of Alabama 1975, relating to final decisions and orders to provide that notification of all orders, except the final order, may where permitted by existing statute, be delivered by first-class mail, postage prepaid, and delivery to be effective upon deposit of the notice in the mail; by amending § 41-22-20, Code of Alabama

1975, relating to judicial review of contested cases to require that a cost bond must be filed with the agency in order to initiate appeal or review; to make the 30-day period within which to appeal or to institute judicial review uniform in all cases, to provide for appeal or review by the courts by a trial de novo where permitted by existing or future statute; to provide that appeals from agency orders may also be filed in the circuit court of Montgomery County; by amending § 41-22-21, Code of Alabama 1975, relating to appeals from final judgments of circuit courts to require that an appeal must be taken to the appropriate appellate court within 42 days from entry of judgment; amending §§ 41-22-25 and 41-22-27, Code of Alabama 1975, to clarify the effective date and publication date of the Alabama Administrative Procedure Act; and repealing the exemption of the Alabama Department of Environmental Management as set forth in Section 14(d) of Act No. 82-612, Acts of Alabama 1982.

Committee on Judiciary.

By Senators Hilliard and Parsons (With Notice and Proof):

S. 358. Relating to Jefferson County; to authorize the payment of a compensation incentive for personnel assigned by the sheriff on a regular basis to conduct internal investigations or assist in the accountability of funds governed by the sheriff of Jefferson County.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 358, as required in the General Acts of Alabama, 1975 Act No. 919.

MCDOWELL LEE,
Secretary.

By Senator Parsons:

S. 359. To amend Sections 25-5-110, 25-5-113, 25-5-114, 25-5-117, 25-5-120, 11-43-144 and 36-30-7 of the Code of Alabama 1975 so as to redefine occupational diseases of firefighters and the related manner and procedures for compensation of such.

Committee on Business and Labor
Relations.

By Senator Langford:

S. 360. To create an additional judgeship for the fifteenth judicial circuit in Alabama; to provide for the election of such judge and to designate that such additional judge shall serve as a judge of the family relations division of the circuit; to prescribe the jurisdiction, powers, qualifications, duties and compensation of such judge; and to amend Section 12-17-20 of the Code of Alabama 1975, as amended, so as to provide for such judge.

Committee on Finance and Taxation.

By Senators Hand, Foshee, Dixon, Corbett, Barron, Figures, Bedsole, Menton, and Strong:

S. 361. To further regulate the transportation and disposal of hazardous waste so as to protect the health and welfare of our citizens; to provide further for hazardous waste disposal sites, transportation, identification of vehicles transporting such wastes, and labelling of containers; to authorize the county and municipal governing bodies, in their respective jurisdictions, to further regulate the transportation and disposal techniques and to levy

franchise fees and to collect fines; to prescribe that no extension or change in existing disposal techniques or extension of disposal site area shall be made by any existing facility or future facility without prior legislative approval; to prohibit the disposal of hazardous wastes in certain areas of flood plains; to prescribe additional felony penalties of fine and sentence for each violation of this Act, and to provide that each incident shall constitute a separate offense.

Committee on Commerce,
Transportation, and Utilities.

By Senator Foshee:

S. 362. To amend Sections 34-27-2, 34-27-31, 34-27-50, 34-27-51, 34-27-60 and 34-27-66 of the Code of Alabama 1975 which regulate real estate and timesharing brokers, salesmen and transactions, so as to provide further therefor.

Committee on Governmental Affairs.

By Senator Denton:

S. 363. To provide for payment of examination fees by credit unions.

Committee on Banking and Insurance.

By Senator Bennett:

S. 364. To amend Section 27-4-4 of the Code of Alabama 1975, relating to annual taxes paid by foreign insurers, so as to provide further for certain deductions from such taxes.

Committee on Banking and Insurance.

By Senators Amari, Aldridge, Parsons, and Bailey:

S. 365. To be known as the "Aged Health Care Recipient Ombudsman Act"; to provide general definitions; to authorize the State Long-Term Care Ombudsman and the Alabama Commission on Aging to investigate complaints concerning health care facilities and to certify community ombudsmen; to provide for the selection, training, and duties of community ombudsmen; to establish procedures for receiving, investigating, and resolving complaints; and to provide an effective date.

Committee on Health and Welfare.

By Senator Hilliard:

S. 366. To amend Sections 15-22-23 and 15-22-36 of the Code of Alabama 1975, as amended by Act No. 83-750 of the 1983 Regular Session, which relates to the authority of the board of pardons and paroles to grant pardons and paroles, so as to provide further for notification procedures and exceptions thereto after the exercise of due diligence.

Committee on Judiciary.

By Senator Langford:

S. 367. To re-open the State of Alabama Judicial Retirement System for certain Alabama State Legislative service; to provide that as a prerequisite to obtaining such credit, said members must be active and contributing members of the State of Alabama Judicial Retirement System; to set a date of assuming office for the first time as a judge for persons who buy retire-

ment time under this Act; and to provide for the termination date.

Committee on Finance and Taxation.

By Senator Langford:

S. 368. To amend sections 36-21-68, 36-21-71, 36-21-74, and 36-21-76 of the Code of Alabama 1975, relating to the Alabama Peace Officers' Annuity and Benefit Fund, so as to eliminate purchasing of past service by new members of the fund; and to provide further for disability benefits and continued membership.

Committee on Finance and Taxation.

By Senators Ellis and Goodwin:

S. 369. To propose an amendment to the Constitution of Alabama of 1901, to authorize the Bibb County Commission to levy and collect additional property taxes within Bibb County for purposes of law enforcement, highway and bridge and volunteer fire departments and rescue squads.

Committee on Constitutional Revision.

The above Bill was read a first time at length as required by the Constitution.

By Senator Denton:

S. 370. To amend Sections 41-9-340, 41-9-343, 41-9-347 and 41-9-355, Code of Alabama 1975, relating to the USS Alabama Battleship Commission, so as to provide for the vacation of office by a member for failure to attend meetings, to increase the monetary limits for which a contract may be executed, to provide that said park shall honor all who participated in military defense of our nation and to forgive certain debts owed by the Commission to the Alabama State Docks.

Committee on Governmental Affairs.

By Senators Goodwin, Foshee, Parsons, Corbett, and Bishop:

S. 371. To amend Section 36-22-63, Code of Alabama 1975, relating to the purchase of prior service credit for participation in the supernumerary sheriff's program, so as to extend the time within which such a purchase may be made.

Committee on Finance and Taxation.

By Senators Figures and Bedsole:

S. 372. To make an appropriation to the Louisiana, Mississippi, Alabama Rapid Rail Transit Commission.

Committee on Finance and Taxation.

By Senators Amari, Cooley, and Barron:

S. 373. To provide that any person, firm, corporation or association who relocates, alters or reconstructs in any manner any public road, bridge or appurtenance with the approval of the governing body having jurisdiction over such road, bridge or appurtenance must do so at their own expense, and such relocation alteration or reconstruction must meet the current

American Association of State Highway and Transportation Officials (AASHTO) standards.

Committee on Commerce,
Transportation, and Utilities.

By Senator Little:

S. 374. To provide the Commissioner of the Department of Conservation and Natural Resources with authority to promulgate regulations relating to the collection, possession, sale or trade of any nondomestic mammal, bird, reptile or amphibian which is not designated as a game animal, or any eggs or parts of such animals, and to prescribe penalties for the violation of said regulations.

Committee on Agriculture,
Conservation, and Forestry.

By Senator Teague:

S. 375. To amend Section 32-8-86, Code of Alabama 1975, relating to the removal or falsification of an identification number, registration or license plate of a vehicle or an engine, so as to provide for the forfeiture and condemnation of any item seized pursuant to this section.

Committee on Commerce,
Transportation, and Utilities.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 16. HONORING MR. JAMES W. (BILL) JOHNSON OF ALBERTVILLE, ALABAMA.

Also:

S. J. R. 17. COMMENDING MR. VELPO MABREY OF GUNTERSVILLE, MARSHALL COUNTY, ALABAMA.

Also:

S. J. R. 18. DESIGNATING THE FOURTH WEEK IN APRIL, ANNUALLY, "PUBLIC SCHOOL WEEK" IN ALABAMA.

Also:

S. J. R. 21. DESIGNATING FEBRUARY 25, 1984, AS "MRS. ELLEN ADAMS APPRECIATION DAY" IN ALABAMA.

Also:

S. J. R. 22. MOURNING THE DEATH OF JUDGE O. D. ALSOBROOK OF LAFAYETTE, CHAMBERS COUNTY, ALABAMA.

Also:

S. J. R. 26. DESIGNATING 1984 AS 4-H CLUB DIAMOND ANNIVERSARY YEAR IN ALABAMA.

Also:

S. J. R. 30. COMMENDING RADIO STATION WZZK.

Also:

S. J. R. 32. COMMENDING DR. WILFRED BAILEY AS INTERIM PRESIDENT OF AUBURN UNIVERSITY.

Also:

S. J. R. 33. DESIGNATING THE WEEK OF FEBRUARY 26, 1984, AS "ALABAMA ARTS REFUND WEEK".

CHARLES BISHOP,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

SPECIAL ORDER

BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 308. To prohibit for a period of three (3) years from the enactment hereof all legalized pari-mutuel or other forms of gambling in this state, to create a commission to comprehensively study all impacts of the pending legislation relating to gambling, to provide for the duration, composition, meetings, office space, compensation and reporting of said committee.

Senator Aldridge offered the following substitute for the Bill, S. B. 308, to-wit:

SUBSTITUTE FOR S. B. 308

A BILL TO BE ENTITLED AN ACT

To prohibit for a period of three (3) years from the enactment hereof all legalized pari-mutuel or other forms of gambling in this state, to create a commission to comprehensively study all impacts of the pending legislation relating to gambling, to provide for the duration, composition, meetings, office space, compensation and reporting of said committee.

Be It Enacted by The Legislature of Alabama:

Section 1. For a period of three (3) years following passage of this Act, no pari-mutuel wagering other than that now provided for by law, nor any other form of otherwise legalized gambling or gaming shall be conducted in this state.

Section 2. There is hereby created a commission to be called the Public Gambling Study Commission (hereinafter referred to as "the commission"). The commission shall be composed of nine (9) members as follows:

The Governor shall appoint two (2) persons; the Lieutenant Governor shall appoint two (2) persons; the Attorney General shall appoint two (2) persons; the Speaker of the House of Representatives shall appoint two (2) persons; and, the State Ethics Commission shall appoint one (1) person. In addition to the commissioners appointed by the preceding sentence, there shall be a chairman and vice chairman of the Public Gambling Study Commission appointed jointly by the Governor and Lieutenant Governor. The committee shall study all aspects and impacts of the legislation pending before the legislature which deal with legalized wagering or gambling. The committee shall meet on the call of the chairman, and appointed members shall receive \$50.00 per meeting day and the same travel and per diem allowance as is paid regular state employees. Office space for the committee and funds necessary to compensate and reimburse its members shall be provided from the Governor's office budget. The committee shall exist for a period of three (3) years following passage of this Act, at which time it shall make a full report to the legislature of its findings and recommendations. After presenting its report, the committee shall automatically expire.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Bedsole offered the following amendment to the substitute for the Bill, S. B. 308, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 308

Amend Subt. for Senate Bill No. 308 Page 1 Line 30, by striking out nine (9) after the word of and inserting in lieu thereof "eleven (11).

Which was adopted.

And said substitute, as thus amended, was then adopted.

Yeas 23; Nays 0.

Yeas:

Senators:	Corbett	Drinkard	Langford	
Aldridge	Covington	Ellis	Little	
Bedford	deGraffenried	Foshee	Menton	
Bedsole	Denton	Goodwin	Parsons	
Bishop	Dial	Hand	Strong	
Cooley	Dixon	Holmes	Teague	—23

Nays:

—0

Senator Smith (B) offered the following amendment to the Bill, S. B. 308, as amended by the substitute, as amended, to-wit:

AMENDMENT TO S. B. 308, AS AMENDED BY SUBSTITUTE, AS AMENDED

Amend Senate Bill No. 308 as Substituted and Amended Page 2 Line 25, by striking out the words "immediately upon its passage and" and inserting in lieu thereof "Jan. 31, 1985 after"

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On motion of Senator Bishop, said amendment was laid on the table.

And said Bill, S. B. 308, as amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 2.

Yeas:

Senators:	Corbett	Ellis	Little
Aldridge	Covington	Foshee	Menton
Amari	deGraffenried	Goodwin	Parsons
Bailey	Denton	Hand	Smith (B)
Bedford	Dial	Holmes	Smith (J)
Bishop	Dixon	Langford	Teague
Cooley	Drinkard		

—25

Nays: Senators: Bennett and Cabaniss —2

Senator Bedford moved that the Senate reconsider the vote by which the Bill, S. B. 308, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 33. CREATING THE MADISON COUNTY TAX DISTRIBUTION STUDY COMMITTEE.

Also:

H. J. R. 43. COMMENDING MR. THOMAS CLARKE HUCKABEE OF MOBILE, ALABAMA, FOR OUTSTANDING SERVICE IN EDUCATION.

Also:

H. J. R. 44. COMMENDING COACH LeVAUGHN HANKS FOR LONG AND DISTINGUISHED SERVICE TO THE YOUTH OF MOBILE COUNTY.

Also:

H. J. R. 46. COMMENDING MISS SHERER HUCKABEE FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 49. COMMEMORATING THE 75TH ANNIVERSARY OF 4-H.

Also:

H. J. R. 50. COMMENDING FORMER ALABAMA CONGRESSMAN ROBERT E. JONES AND INVITING HIM TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

Also:

H. J. R. 51. COMMENDING MR. AND MRS. JAMES ALLEN JOHNSON ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 56. DESIGNATING THE PLACE OF MEETING OF THE ALABAMA LEGISLATURE AND AMENDING SJR 2, ACT NO. 83-850, FOURTH SPECIAL SESSION 1983.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 16. STATING LEGISLATIVE AUTHORITY RELATIVE TO ACT NO. 81-889, S. 32, FIRST SPECIAL SESSION, 1981.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

SPECIAL ORDER RESUMED

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Motion in Writing and ordered same returned to the Senate with a favorable report, to-wit:

MOTION IN WRITING TO AMEND RULES

Pursuant to the notice in writing previously given, I hereby move that the Senate adopt the following new Rule 80:

Rule 80. All salary, expense allowances or other increases in compensation or benefits of any form whatsoever of members of the legislature shall only be passed by a roll call recorded vote.

And on motion of Senator Little, said Motion in Writing was then adopted by the Senate.

Yeas 26; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Langford
Aldridge	Cooley	Drinkard	Little
Bailey	Corbett	Ellis	Menton
Bedford	Covington	Goodwin	Smith (J)
Bedsole	deGraffenried	Hand	Strong
Bennett	Denton	Hilliard	Teague
Bishop	Dial	Holmes	

—26

Nays:

—0

RESOLUTIONS

Senator Bedford offered the following Senate Resolution, to-wit:

S. R. 48. COMMENDING MIKE MAULDEN OF BEAR CREEK, ALABAMA, FOR OUTSTANDING COURAGE.

Which was adopted.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 49. BE IT RESOLVED BY THE SENATE that the following bill in the order named shall be the special, paramount and continuing order of business taking precedence over all other matters until disposed of:

BILL NO.	DESCRIPTION	PAGE NO.
S. B. 319	Racing bill	43

On motion of Senator Teague, the Resolution was adopted by the Senate.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the second special, paramount, and continuing order of business for today, which was the Bill:

S. 319. To make certain legislative findings regarding horse racing and pari-mutuel wagering thereon in Class 1 municipalities (now defined by statute to be cities with a population of 300,000 inhabitants or more as certified by the 1970 federal decennial census); to define the particular terms used in the substantive provisions of this Act; to authorize the creation of a racing commission in any Class 1 municipality; to provide for a referendum of the voters of any Class 1 municipality on the question of whether this Act will become effective in such municipality; to provide that horse racing and pari-mutuel wagering thereon shall be lawful in any Class 1 municipality in which a racing commission shall be incorporated pursuant to the provisions of this Act; to provide for the designation or appointment and the terms of office of the members and officers of any such racing commission; to provide for and authorize the incorporation of any such racing commission upon the filing by the members thereof of an application with the Secretary of State; to specify the general powers and duties of any such racing commission, including the power to adopt rules and regulations governing diverse aspects of horse racing, the exposure of the public thereto, and the conduct of pari-mutuel wagering thereon; to provide for the issuance by any such racing commission of licenses for owners and operators of racing facilities; to prescribe the methods for applying for such licenses, the manner in which such applications are to be reviewed by any such racing commission, and the

terms and conditions upon which such licenses shall be granted and held; to provide for the suspension or revocation of any such license; to provide for the issuance by any such racing commission of permits to companies and individuals engaged in certain activities related to horse racing; to prescribe the method for applying for such permits and the manner in which such applications are to be reviewed by any such racing commission; to provide for the suspension or revocation of any such permit; to authorize and provide rules for the conduct of pari-mutuel wagering on horse racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools which are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of a license fee for pari-mutuel wagering by each licensed operator to the racing commission licensing such operator and to specify the method for determining the amount of any such fee; to provide that any such racing commission may enter into contracts with licensed operators to establish limits on the license fees payable by such operators and that any such contract shall not be impaired by a subsequent Act of the Legislature; to authorize any such racing commission to make rules and regulations under which television or radio coverage of racing events held outside the state may be transmitted to racing facilities governed by such racing commission and made the subject of pari-mutuel wagering under the provisions of this Act; to authorize any such racing commission to make rules and regulations under which television or radio coverage of racing events held at racetracks under the jurisdiction of such commission may be transmitted for the entertainment of the public or for the purpose of pari-mutuel wagering at locations outside the state; to provide that a specified percentage of total pari-mutuel wagering revenues shall be used for purses to be paid to the owners of horses competing in races; to provide for the establishment by each racing commission of a special fund for the purpose of promoting the breeding, raising and racing of thoroughbred and standardbred horses in the state, to specify the source and amounts of moneys for such fund, to specify certain purposes for which the moneys in such fund shall be used, and to authorize such racing commission to make rules and regulations for the administration of such fund and the disbursement of moneys therefrom; to specify the purposes for which the net revenues of each racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to prohibit certain activities related to racing events; to provide that certain prohibited activities constitute crimes and to specify the penalties therefor; to provide that the provisions of this Act shall be severable; to provide that this Act shall govern in the event of a conflict between its provisions and existing laws; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise horse racing and pari-mutuel wagering thereon in Class 1 municipalities.

The Standing Committee on Local Legislation No. 2 reported the following substitute for the Bill, S. B. 319, to-wit:

SUBSTITUTE FOR S. B. 319

A BILL TO BE ENTITLED AN ACT

To make certain legislative findings regarding horse racing and pari-mutuel wagering thereon in Class 1 municipalities (now defined by statute to be cities with a population of 300,000 inhabitants or more as certified by the 1970 federal decennial census); to define the particular terms used in the substantive provisions of this Act; to authorize the creation of a racing

commission in any Class 1 municipality; to provide for a referendum of the voters of any Class 1 municipality on the question of whether this Act will become effective in such municipality; to provide that horse racing and pari-mutuel wagering thereon shall be lawful in any Class 1 municipality in which a racing commission shall be incorporated pursuant to the provisions of this Act; to provide for the designation or appointment and the terms of office of the members and officers of any such racing commission; to provide for and authorize the incorporation of any such racing commission upon the filing by the members thereof of an application with the Secretary of State; to specify the general powers and duties of any such racing commission, including the power to adopt rules and regulations governing diverse aspects of horse racing, the exposure of the public thereto, and the conduct of pari-mutuel wagering thereon; to provide for the issuance by any such racing commission of licenses for owners and operators of racing facilities; to prescribe the methods for applying for such licenses, the manner in which such applications are to be reviewed by any such racing commission, and the terms and conditions upon which such licenses shall be granted and held; to provide for the suspension or revocation of any such license; to provide for the issuance by any such racing commission of permits to companies and individuals engaged in certain activities related to horse racing; to prescribe the method for applying for such permits and the manner in which such applications are to be reviewed by any such racing commission; to provide for the suspension or revocation of any such permit; to authorize and provide rules for the conduct of pari-mutuel wagering on horse racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools which are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of license fees for pari-mutuel wagering by each licensed operator to the state and to the racing commission licensing such operator and to specify the methods for determining the amounts of such fees and the schedule on which such fees shall be payable; to provide that any such racing commission may enter into contracts with licensed operators to establish limits on the license fees payable by such operators and that any such contract shall not be impaired by a subsequent act of the Legislature; to authorize any such racing commission to make rules and regulations under which television or radio coverage of racing events held outside the state may be transmitted to racing facilities governed by such racing commission and made the subject of pari-mutuel wagering under the provisions of this Act; to authorize any such racing commission to make rules and regulations under which television or radio coverage of racing events held at racetracks under the jurisdiction of such commission may be transmitted for the entertainment of the public or for the purpose of pari-mutuel wagering at locations outside the state; to provide that a specified percentage of total pari-mutuel wagering revenues shall be used for purses to be paid to the owners of horses competing in races; to provide for the establishment by each racing commission of a special fund for the purpose of promoting the breeding, raising and racing of thoroughbred and standardbred horses in the state, to specify the source and amounts of moneys for such fund, to specify certain purposes for which the moneys in such fund shall be used, and to authorize such racing commission to make rules and regulations for the administration of such fund and the disbursement of moneys therefrom; to specify the purposes for which the net revenues of each racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to prohibit certain activities related to racing events; to provide that certain prohibited activities constitute crimes and to specify the penalties therefor; in the event that a state racing commission shall be es-

tablished pursuant to any act enacted before or after the effective date of this Act, to provide in such event that any municipal racing commission created under this Act and its licensees shall be exempt from the jurisdiction of such state racing commission and from all laws providing for or relating to such state racing commission for a period beginning with the effective date of this Act and continuing until the end of the fifth calendar year next succeeding the calendar year in which racing events shall first be conducted under the jurisdiction of such municipal racing commission; to provide that the provisions of this Act shall be severable; to provide that this Act shall govern in the event of a conflict between its provisions and existing laws; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise horse racing and pari-mutuel wagering thereon in Class 1 municipalities.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Findings. It is hereby found and declared as follows: the conduct within Class 1 municipalities in the state of horse racing events and pari-mutuel wagering thereon will generate additional revenues for governmental and charitable purposes, provide additional jobs for the residents of the state and benefit the businesses related to tourism and recreation within any such municipality and throughout the surrounding areas of the state; it is desirable to permit the qualified voters of any Class 1 municipality to determine through referendum whether horse racing and pari-mutuel wagering thereon will be permitted in such municipality; and for each Class 1 municipality in which horse racing is approved by the voters thereof, it is necessary and desirable to provide for the establishment of a racing commission to regulate horse racing and pari-mutuel wagering thereon within such municipality and to administer and enforce the provisions of this Act.

Section 2. Definitions and Use of Phrases. (a) As used in this Act, the following terms, and others evidently intended as the equivalent thereof, shall, unless the context clearly indicates otherwise, have the following respective meanings:

(1) ALABAMA BRED. When used with reference to a thoroughbred horse or a standardbred horse, this term means a horse which is registered in the registry designated and administered by a commission in accordance with such rules concerning domicile and registration requirements as may be established by such commission and which is either (i) foaled from a mare domiciled in the state during the seven-year period beginning with the effective date of this Act or (ii) sired by an Alabama stallion and foaled from a mare domiciled in the state at any time after the expiration of such seven-year period.

(2) ALABAMA STALLION. When used with reference to a thoroughbred stallion or a standardbred stallion, this term means a stallion which is standing in the state at the time he is bred to the dam of an Alabama-bred horse, which is registered with a commission, and which is alternatively (i) owned by a resident of the state and standing the entire stud season in the state, (ii) owned by a resident of another state but standing the entire stud season in the state and leased by a resident of the state for a term of not less than two years or (iii) owned jointly by a resident of the state together with a resident of another state and leased by a resident of the state for a term of not less than two years. For purposes of this definition, a resident of the state may be any one of the following: (1) a natural person whose principal residence is located in the state; (2) a natural person

who does not maintain his or her principal residence in the state but who personally owns, singly or jointly with his or her spouse, real property located in the state that has an original cost to such person or a current fair market value of not less than \$100,000; or (3) a corporation or partnership which has its principal place of business in the state and more than fifty percent (50%) of the stock or other ownership interest in which is owned by natural persons described in clause (1) or (2) of this sentence. The commission with which any Alabama stallion may be registered shall have the power to prescribe rules and regulations governing the manner by which the qualifications of a resident shall be confirmed to such commission for purposes of this definition.

(3) **BREAKAGE.** This term means the odd cents by which the amount payable on each dollar wagered exceeds a multiple of ten cents.

(4) **BREEDER.** This term means the owner of a mare at the time such mare gives birth to an Alabama-bred thoroughbred or standardbred foal.

(5) **BREEDING FUND.** This term means a special fund established by a commission pursuant to the provisions of Section 34 of this Act and any applicable rules and regulations of such commission for the purpose of promoting the breeding, raising and racing of thoroughbred or standardbred horses in the state.

(6) **BREEDING FUND FEE.** This term means a fee payable to a commission by an operator pursuant to Section 34 of this Act for deposit into the breeding fund established by such commission.

(7) **COMMISSION.** This term means any public corporation organized pursuant to the provisions of this Act.

(8) **COMMISSION WAGERING FEE.** This term means a license fee payable to a commission by an operator for a particular calendar year, the amount and payment schedule of which are to be determined in accordance with the provisions of Section 30 hereof.

(9) **HANDLE.** When used with reference to any specified period of time, this term means the total amount deposited in all of the pari-mutuel pools originated by an operator during such period of time.

(10) **HOST COUNTY.** This term means any county in which a sponsoring municipality is located. With respect to a sponsoring municipality located in more than one county, host county means the county in which the largest number of residents of the sponsoring municipality reside, as determined by the most recent federal decennial census.

(11) **HOST COUNTY HOUSE DELEGATION.** With respect to a host county, this term means the members of the House of Representatives of the Legislature of Alabama from those representative districts which are located entirely within such host county.

(12) **HOST COUNTY SENATE DELEGATION.** With respect to a host county, this term means the members of the Senate of the Legislature of Alabama from those senatorial districts which are located entirely within such host county.

(13) **MEMBER.** This term means a member of a commission.

(14) **NET REVENUES.** This term means all fees (other than breeding fund fees), commissions and other moneys received by a commission and remaining after the payment of all expenses incurred in the administra-

tion of this Act. This term does not include any state wagering fees, which are required to be paid by an operator directly to the state.

(15) OPERATOR. This term means a corporation licensed by a commission to conduct horse racing events and pari-mutuel wagering thereon in accordance with the provisions of this Act.

(16) OWNER. This term means a corporation, partnership or other business entity licensed by a commission to own a racing facility in accordance with the provisions of this Act.

(17) PERSON. This term means any natural person, corporation, partnership, joint venture, trust, government or governmental body, political subdivision or other legal entity as in the context may be possible or appropriate.

(18) SPONSORING MUNICIPALITY. This term means any municipality for which a commission shall be created in accordance with the provisions of this Act.

(19) STALLION OWNER. This term means the owner of a stallion standing in the state at the time he was bred to the dam of an Alabama-bred thoroughbred or standardbred horse.

(20) STATE. This term means the State of Alabama.

(21) STATE RACING COMMISSION. This term means any department, agency or instrumentality of the state, whether or not constituting a corporate entity separate from the state, that may at any time, whether before or after the effective date of this Act, be created, organized or established for the purpose, among other purposes, of licensing, regulating or supervising horse racing and pari-mutuel wagering thereon.

(22) STATE WAGERING FEE. This term means a license fee payable to the state by an operator, the amount and payment schedule of which are to be determined in accordance with the provisions of Section 29 hereof.

(b) The words "herein", "hereby", "hereunder", "hereof" and other equivalent words refer to this Act as an entirety and not solely to the particular section or portion thereof in which any such word is used. The definitions set forth herein shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein, any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

Section 3. Authorization of Commissions. A commission is authorized to be created in accordance with the provisions of this Act for each Class 1 municipality, as Class 1 municipality is defined in Code of Alabama 1975, § 11-40-12 or any successor provision of law. Any commission created for any sponsoring municipality pursuant to the provisions of this Act shall be named "The _____ (the name of the sponsoring municipality shall be inserted in the blank) Racing Commission" and shall be a public corporation having a legal existence separate and apart from the state and any county, municipality or political subdivision thereof. A commission shall be vested with the powers and duties specified in this Act and all other powers necessary and proper to enable it to execute fully and effectively the purposes of this Act. Immediately upon the incorporation of a commission in accordance with the provisions of this Act, horse racing and pari-mutuel wagering thereon conducted in the sponsoring municipality in accordance with the provisions of this Act shall be lawful, notwithstanding any other provision of law to the contrary.

Notwithstanding any provisions hereof which connect the state with the creation and control of a commission, any commission incorporated pursuant to the provisions of this Act shall not be deemed to be part of the state for any purpose, but shall be treated as a public corporation and body politic separate and apart from the state. Except for the state wagering fee, all fees, commissions and other moneys which a commission shall be authorized by this Act to charge, levy or receive shall be deemed to be moneys belonging exclusively to such commission, and no allocation or payment of such moneys authorized or mandated by this Act shall be considered to be an appropriation of moneys belonging to or controlled by the state.

Notwithstanding any provisions hereof which connect a commission with its sponsoring municipality, the host county or any other county or municipality [including, without limitation thereto, the provisions of Section 4 hereof regarding a referendum in the sponsoring municipality to approve the incorporation of a commission and the provisions of Section 5 hereof providing for (i) the mayor or other chief executive officer of the sponsoring municipality to serve ex officio as one member of a commission and to appoint another member and (ii) the president or other designated presiding officer of the county commission to serve ex officio as one member of a commission], any commission incorporated pursuant to the provisions of this Act shall not be deemed to be a local agency or instrumentality of the sponsoring municipality or the host county, but shall be treated as a public corporation and body politic having rights, powers and duties which, to the extent herein specified, shall be effective without reference to the rights, powers, duties and territories of the sponsoring municipality and the host county. Except for the state wagering fee, all fees, commissions and other moneys which a commission shall be authorized by this Act to charge, levy or receive shall be deemed to be moneys belonging exclusively to such commission, and the sponsoring municipality and the host county shall have no interest therein except to the limited extent expressly provided by this Act.

Section 4. Referendum to Approve Commission. The governing body of any Class 1 municipality shall call and provide for holding a referendum for the purpose of determining if a commission shall be incorporated for such municipality pursuant to this Act. The initial referendum shall be held not less than forty-five (45) days nor more than ninety (90) days after the effective date of this Act and shall be advertised, held, conducted and the results thereof canvassed and declared in the manner provided by law for advertising, holding, conducting and canvassing other municipal elections and as said governing body shall provide in the resolution or ordinance calling such election. The question to be voted on shall be stated on the ballots or voting machine tags substantially as follows:

“Do you favor the authorization of horse racing and pari-mutuel wagering thereon in the City of _____ (insert the name of the municipality) and the creation of a racing commission for said city to license, regulate and supervise horse racing and pari-mutuel wagering thereon as provided in Act No. _____ (insert Act number) adopted at the _____ (insert session identification) Session of the Legislature of Alabama?”

If a majority of the votes cast in any referendum are “Yes”, this Act shall become operative with respect to the municipality conducting such referendum, and horse racing and pari-mutuel wagering thereon shall be legal in such municipality as and to the extent conducted in accordance with the provisions of this Act; if the majority of the votes cast in such election are “No”, this Act shall have no further effect with respect to such municipi-

pality, unless the governing body thereof should later call another referendum. One or more subsequent referenda may be called by the governing body of a Class 1 municipality if the question submitted at the initial or any subsequent referendum fails to receive a majority of favorable votes; provided, however, that not more than one referendum may be called by any municipality in each calendar year. Once authorized and incorporated, a commission may not be dissolved except pursuant to general act of the Legislature of Alabama applicable to such commission. The results of any referendum conducted for a Class 1 municipality pursuant to this Act shall be certified to the Secretary of State, within 30 days after the election returns are canvassed, by the officer then authorized by law to certify proceedings taken by the election commission, board of canvassers or other body then required by law to canvass and declare the results of elections held in such municipality.

Section 5. Members of Commission. (a) Every commission shall have five members, which shall constitute its governing body. All powers of a commission shall be exercised by its members or pursuant to their authorization. The mayor or other chief executive officer of the sponsoring municipality and the president or other designated presiding officer of the county commission of the host county shall each serve as a member ex officio, and the service of each such official as a member shall begin and end concurrently with the beginning and ending of his or her tenure in such office. The other three members shall be appointed in the manner hereinafter prescribed as soon as may be practicable after the certification to the Secretary of State of a favorable vote at a referendum called and held pursuant to Section 4 of this Act. The mayor or other chief executive officer of the sponsoring municipality, the host county house delegation and the host county senate delegation shall each appoint one member. The appointments of members by the host county house delegation and the host county senate delegation shall be made at meetings of the members of the respective delegations held pursuant to the call of the mayor or other chief executive officer of the sponsoring municipality, who shall provide the members of each delegation with written notice of any such meeting at least ten (10) days prior to the date set therefor. All meetings of the host county house delegation or the host county senate delegation called and held pursuant to this Act shall be open to the public. Any appointment of a member by the host county house delegation or the host county senate delegation must be approved by a majority of the members of such delegation voting in person at a public meeting called and held pursuant to this Act. Any meeting of the host county house delegation or the host county senate delegation at which fewer than a majority of the members of such delegation are present, or at which no appointment of a member is made because of a failure to obtain the approval of a majority of the members of such delegation, may be adjourned to a future time and place announced at such meeting; provided that, if either delegation fails to appoint a member within thirty (30) days of the date of the first meeting called for the purpose of such appointment, the right of such delegation to appoint a member shall terminate and such appointment shall be made as soon thereafter as practicable by the mayor or other chief executive officer of the sponsoring municipality.

(b) The member to be appointed by the mayor or other chief executive officer of the sponsoring municipality shall be appointed for a term beginning immediately upon his appointment and ending at noon on July 1 in the third calendar year next following the calendar year in which the referendum authorizing the incorporation of the commission shall be conducted; the member to be appointed by the host county house delegation shall be

appointed for a term beginning immediately upon his appointment and ending at noon on July 1 in the fourth calendar year next following the calendar year in which the referendum authorizing the incorporation of the commission shall be conducted; the member to be appointed by the host county senate delegation shall be appointed for a term beginning immediately upon his appointment and ending at noon on July 1 in the fifth calendar year next following the calendar year in which the referendum authorizing the incorporation of the commission shall be conducted. Thereafter, the term of office of each appointed member shall be five years, commencing at noon on the July 1 on which the term of the immediate predecessor member shall end.

(c) If at any time there shall be a vacancy among the appointed members of a commission (i.e., those members who do not serve *ex officio*), a successor member shall be appointed to serve for the unexpired term applicable to such vacancy. The appointment of each appointed member (other than those initially appointed), whether for a full five-year term or to complete an unexpired term, shall be made by the officer or legislative delegation responsible for the appointment of the member whose term shall have expired or is to expire or in whose position a vacancy otherwise exists and shall be made not earlier than thirty (30) days prior to the date on which such member is to take office as such. If the term of any member shall expire prior to the reappointment of such member or prior to the appointment of his successor, such member shall continue to serve until his successor is appointed, and if such member is reappointed for a new term after the expiration of the immediately preceding term which he has been serving, his new term of office shall be deemed to have commenced at noon on the July 1 on which the immediately preceding term shall have expired. Members shall be eligible for reappointment without limit as to the number of terms previously served. In the event that any appointments are not made within sixty (60) days after the certification to the Secretary of State of a favorable vote at a referendum called and held pursuant to this Act (in the case of initial appointments), or within thirty (30) days of the end of a term or other vacancy, then a vacancy shall be filled or a successor member appointed by a majority of the members holding appointments already made or serving as *ex officio* members. Appointments shall be evidenced by a written certificate executed by the appointing official, or, in the case of appointments made by a majority of the other members, by a certificate signed by the members making such appointment, or, in the case of appointments made by a legislative delegation, by the members of the delegation voting for such appointment or by a member of the delegation designated to serve as the secretary of the meeting at which such appointment is made and to report the results thereof to the Secretary of State. The certificates evidencing the appointment of members of a commission shall be addressed and delivered to the Secretary of State, who shall maintain the originals of such certificates as official records in his or her office.

(d) Each appointed member of any commission shall have been a resident of the host county for a period of at least five years prior to his or her appointment and shall, at the time of his or her appointment and at all times during his or her term of office, be a resident of the host county and a qualified elector of the state, and a failure by any appointed member to remain so qualified during such term of office shall cause a vacancy of the office of such member. No person serving as a member of the Legislature of the state, serving as a member of the governing body of any municipality, county or other political subdivision of the state, or holding a full-time office or position of employment with the United States of America, the state,

any county or municipality in the state, or any instrumentality, agency or subdivision of any of the foregoing, shall be eligible for appointment as a member of a commission. Service by any person as a member, director, trustee or other participant in the management or administration of any governmental agency, board or commission, or public educational institution, or other public body of the United States of America, the state, or any county or municipality or other political subdivision shall not render such person ineligible for appointment as a member of a commission unless such service constitutes full-time employment. Each appointed member shall be of good moral character, shall never have been convicted of a felony or other offense involving moral turpitude. Each appointed member of a commission shall make and submit to the appointing officer or legislative delegation responsible for his or her appointment an affidavit confirming his or her qualifications, as set forth in the preceding provisions of this subsection (d), to serve as a member of a commission, which affidavit shall be filed with the Secretary of State along with the aforesaid certificate evidencing such appointment. Any appointed member of a commission who in such affidavit intentionally makes a false statement of material fact or intentionally fails to disclose any information necessary to make any statement of material fact made therein not misleading shall be guilty of perjury and shall be subject to prosecution and punishment therefor in the same manner as if he had committed perjury as a witness in open court.

(e) Any person who is an appointed member of a commission shall be deemed to vacate his or her office as such member by (i) the acceptance of any office or employment which, had such person held such office or been so employed at the time of his or her appointment as a member, would have rendered such person ineligible for appointment as a member or (ii) the occurrence of any event or circumstance involving the character of such person [including, without limitation, any of the events or circumstances described in the fourth sentence of subsection (d) of this section] which, had such event or circumstance occurred prior to the time of his or her appointment as a member, would have precluded such appointment. Any appointed member may be impeached and removed from office as a member of a commission in the same manner and on the same grounds provided in Section 175 of the Constitution of Alabama of 1901, or successor provision thereof, and the general laws of the state for impeachment and removal of the public officers subject to said Section 175 or successor provision thereof. The mayor or other chief executive officer of the sponsoring municipality and the president or other designated presiding officer of the county commission of the host county may not be impeached and removed from office as a member of a commission apart from their impeachment and removal from the respective offices by virtue of which, ex officio, they serve as members.

Section 6. Incorporation of Commission. The five persons initially designated as members of a commission shall become a corporation with the power and authority provided in this Act by proceeding according to the provisions of this Act. To become a corporation, the persons so designated shall present to the Secretary of State an application signed by them which shall contain the following:

- (1) a statement that the applicant propose to incorporate a commission pursuant to this Act;
- (2) the name and principal residence of each of the applicants;
- (3) the date on which each applicant who is not an ex officio member was appointed and the expiration date of the term for which he was appointed;

- (4) the term of office for each applicant who is an ex officio member;
- (5) the name of the proposed corporation, which shall be "The _____ (name of the sponsoring municipality) Commission";
- (6) the location of the principal office of the proposed corporation, which shall be the sponsoring municipality; and
- (7) any other matter relating to such commission which the applicants may choose to insert and which is not inconsistent with this Act or the laws of the state.

The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the state to take acknowledgements to deeds. The Secretary of State shall examine the application, and if the Secretary of State finds that it substantially complies with the requirements of this section, he shall receive, file and record it in an appropriate book of records in his office.

When the application has been made, filed and recorded as herein provided, the applicants shall constitute a corporation under the name stated in the application, without the necessity of any further action under any other laws of the state applicable to the creation of corporations, and the Secretary of State shall make and issue to the applicants a certificate of incorporation pursuant to this Act, under the Great Seal of the State, and shall record the certificate with the application. There shall be no fees paid to the Secretary of State for any work done in connection with the incorporation or dissolution of any commission.

Section 7. General Provisions Respecting Members of a Commission. No member shall vote on or participate in the discussion or consideration of any matter coming before a commission in which he, his immediate family, or any business enterprise with which he is associated has any direct or indirect pecuniary interest; provided, however, that when any such matter is brought before a commission, any member having an interest therein which may be in conflict with his obligations as a member shall immediately make a complete disclosure to such commission of any direct or indirect pecuniary interest he may have in such matter prior to removing himself and withdrawing from the commission's deliberations and vote on the matter presented. In furtherance, and not in limitation of the foregoing provision, no member or employee on, and no spouse, child, parent, brother or sister of any such member or employee, (i) shall have any financial interest, direct or indirect, in any horse racetrack or operation incidental thereto which is subject to the provisions of this Act, or in any entity which has submitted an application for a license under this Act, or in the operation of any wagering authorized under this Act or (ii) shall participate as owner of a horse or otherwise as a contestant in any race subject to the jurisdiction of a commission or have any pecuniary interest in the purse or prize contested for in any such race. No appointed member or officer of a commission (e.g., any member or officer of a commission who does not serve as such by reason of his holding another office), no employee of a commission, and no spouse, child, parent, brother or sister of any such appointed member or officer or of any such employee, shall make, or cause to be made on his or her behalf, any contribution to any holder of any office of the state or any office of the sponsoring municipality or the host county of such commission or any contribution to any candidate for any such office.

The mayor or other chief executive officer of the sponsoring municipality and the president or other designated presiding officer of the county commission of the host county shall perform the duties of members of a commission, ex officio, without any compensation other than that to which they are respectively entitled as such municipal or county officers. Appointed members of a commission shall be entitled to such compensation for their services as the commission shall from time to time provide by duly adopted resolution, provided that no appointed member of a commission shall receive more than \$100 for each day or part thereof spent in the performance of his duties. Each member, whether appointed or serving ex officio, shall be reimbursed for his or her reasonable expenses incurred in the performance of his or her duties as a member of a commission. The compensation and expenses of members shall be paid out of the funds of a commission in accordance with such rules as shall be from time to time adopted by such commission. A majority of the members of a commission shall constitute a quorum for the transaction of business by such commission, and, in the absence of a rule incorporated in the bylaws of a commission that, in certain circumstances, may require the favorable vote of a designated percentage of all the members of a commission, decisions shall be made on the basis of a majority of the quorum then present and voting, with each member to have a single vote. No vacancy in the membership of a commission or the voluntary disqualification or abstention of any member thereof shall impair the right of a quorum to exercise all of the powers and duties of the commission.

Section 8. Officers of a Commission. The officers of a commission shall consist of a chairman, vice chairman, executive secretary, treasurer and such other officers as the commission shall deem necessary or appropriate. The chairman and vice chairman of a commission shall be elected by the commission from the membership thereof. The executive secretary shall be appointed as provided in Section 10 hereof. The principal financial officer of the sponsoring municipality of a commission shall serve ex officio as the treasurer of such commission.

Section 9. Treasurer of a Commission; Investment of Funds of a Commission. The treasurer of a commission shall collect all the fees, commissions and other moneys provided for in this Act, and shall supervise, check and audit the operation of the pari-mutuel wagering pools and the conduct and distribution thereof. The principal financial officer of a sponsoring municipality shall perform the duties of the treasurer of a commission, ex officio, without any compensation other than that to which he or she is entitled as the principal financial officer of such sponsoring municipality, but he or she shall be reimbursed for expenses actually incurred in the performance of his or her duties as treasurer of a commission. All managerial, accounting and clerical personnel which the principal financial officer of a sponsoring municipality shall determine to be necessary to keep the books and records of a commission created for such sponsoring municipality and to perform the audit and other financial functions for such commission authorized or contemplated by this Act shall be employees of such sponsoring municipality and shall perform their duties under the supervision of such principal financial officer in his capacity as ex officio treasurer of such commission; provided, however, that the number, qualifications and compensation of personnel employed by such sponsoring municipality to perform all financial functions for such commission shall be subject to the approval of such commission, as well as to such other laws and regulations as may be applicable to such personnel as employees of such sponsoring municipality. Each commission shall reimburse the sponsoring municipality for all costs

and expenses incurred in the performance of all financial functions for such commission, including a reasonable allowance for the time of the principal financial officer of such sponsoring municipality devoted to the business of such commission as its ex officio treasurer.

The funds of a commission which its treasurer determines are not then needed to discharge its obligations or to make the disbursements provided for in Sections 34 and 36 hereof may be invested in such of the following investments as its treasurer may determine to be most advantageous or convenient: (i) any time deposit with, or any certificate of deposit issued by, or any acceptance by, any bank which is organized under the laws of the United States of America or any state thereof and deposits in which are insured, in whole or in part, by the Federal Deposit Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation; (ii) any direct, general obligation of the United States of America; (iii) any obligation payment of the principal of and interest on which is unconditionally guaranteed by the United States of America; (iv) any direct, general obligation of, or any obligation payment of the principal of and interest on which is unconditionally guaranteed by, any agency or instrumentality of the United States of America (including, without limitation, the Federal National Mortgage Association); and (v) any repurchase agreement or reverse repurchase agreement with any bank which is a member of the Federal Deposit Insurance Corporation (or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation) or with any government bond dealer reporting to and trading with the Federal Reserve Bank of New York, provided that such agreement is secured by obligations or securities described in clauses (i), (ii), (iii) and (iv) of this sentence. Funds of a commission not invested in accordance with the preceding sentence shall be deposited in a bank the principal office of which shall be located in the sponsoring municipality and the deposits of which shall be insured, in whole or in part, by the Federal Deposit Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation.

Section 10. Powers and Duties of a Commission. A commission shall have the powers and duties necessary to license, regulate and supervise horse racing and pari-mutuel wagering incidental thereto, including, without limiting the generality of the foregoing, the powers and duties set forth hereinafter in this section or in other sections of this Act.

(1) A commission shall have succession in perpetuity, subject only to the provisions of this Act as it may be amended from time to time.

(2) A commission shall have the power to sue and be sued in its own name in civil suits and actions and to defend suits against it.

(3) A commission shall have the power to adopt and make use of an official seal and to alter the same at pleasure.

(4) A commission shall have the power to adopt, alter and repeal by-laws, regulations and rules, not inconsistent with the provisions of this Act, for the regulation and conduct of its affairs and business.

(5) A commission shall have the power (a) to borrow money from any source, including the sponsoring municipality (which is hereby authorized to lend such money to its related commission), for the purpose of paying expenses that may be reasonably incurred in carrying out its duties in advance of the receipt of fees, commissions and other moneys payable to it under the

provisions of this Act, and (b) to pledge as security for the payment of the principal of and interest on the money so borrowed all or any of such fees, commissions and other moneys, which pledge shall be prior to any and all claims to such fees, commissions and other moneys from any intended recipients of breeding fund fees pursuant to Section 34 hereof or from any intended recipients of the net revenues pursuant to Section 36 hereof; provided, however, that no commission shall be entitled to borrow, or to allow to remain outstanding at any time, a principal amount in excess of (i) \$500,000 or (ii) the amount which the commission estimates will be its total operating expenses for the next three years, whichever of such amounts is the lesser.

(6) A commission shall establish and maintain a general business office within its sponsoring municipality for the transaction of its business at a place to be determined by such commission. A commission shall meet at such times and places within its sponsoring municipality as it shall determine.

(7) Each commission shall be vested with supervision and authority over all horse races licensed by it under the provisions of this Act and over all persons conducting, participating in or attending such races. A commission shall employ such persons to be present at race meetings as are necessary to ensure that they are conducted with order and the highest degree of integrity, and it may require that an operator pay such salaries to such of the commission's employees as it shall prescribe. A commission may eject or exclude from any racetrack or from any part thereof any person, whether or not he possesses a permit, whose conduct or reputation is such that his presence may, in the opinion of the commission, reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of horse racing.

(8) A commission and its representatives and employees shall visit, investigate and have free access to the office, track, facilities or other place of business of an operator, and may compel the production of any of an operator's books, documents, records or memoranda for the purpose of satisfying itself that such operator is truthfully complying with the provisions of this Act and the commission's rules and regulations. A commission shall require that there be delivered to it an annual balance sheet and income statement of each operator subject to its jurisdiction and also a copy of any management, concession or other contract to which any such operator is a party.

(9) A commission shall adopt and publish reasonable rules, regulations and conditions under which all types of racing subject to its jurisdiction, and pari-mutuel wagering, shall be conducted in its sponsoring municipality, and such other reasonable regulations as it deems necessary and appropriate to carry out the purposes and provisions of this Act. Such rules and regulations may include reasonable penalties for violations which shall be in the nature of civil and not criminal penalties.

(10) A commission may issue subpoenas for the attendance of witnesses before it, administer oaths and compel production of records or other documents and testimony of such witnesses whenever such commission finds it necessary and appropriate so to do in order to carry out its duties under this Act or to enforce the provisions of this Act or rules or regulations adopted pursuant hereto.

(11) A commission shall have the power to compel an owner or operator to file with such commission such information, including, without limitation, financial statements and information relative to stockholders and all

others with any pecuniary interest in such licensee as shall appear to such commission to be necessary for the performance of its duties hereunder, and may prescribe the manner in which books and records of an owner or operator shall be kept.

(12) A commission shall have the power to enter into arrangements with any governmental or nongovernmental agency or association for the purposes of exchanging information, establishing security forces or performing any other act better to ensure the proper conduct of horse racing.

(13) A commission shall have the power to demand and obtain for its files the fingerprints of the following persons, which fingerprints may be taken by a representative of a law-enforcement agency of the county, state or federal government, by inspectors of such commission or by such qualified private security agency as such commission may designate: (i) all members, officers and employees of such commission; (ii) every person who is an officer, director, partner or other principal of a corporation, partnership or other entity which holds a license as an owner or operator, and every employee of such a licensee whose duties relate to the horse racing business in the sponsoring municipality; (iii) all owners of horses, trainers, jockeys, apprentices, stable employees, managers, agents, blacksmiths, veterinarians and other persons who actively participate in the racing activities of any operator; and (iv) all other persons whose relationship to horse racing and wagering activities under the jurisdiction of such commission is of such nature that such commission, in the exercise of reasonable judgment, believes that it would be prudent to obtain the fingerprints of such persons.

(14) A commission shall report annually to the governing body of its sponsoring municipality and to such state and federal authorities as shall be required by law.

(15) All books, records, maps, documents and papers of a commission, including those filed with such commission as well as those prepared by or for it, shall at all times be open for the personal inspection of any officer of the state, the sponsoring municipality or the host county or any official investigative body or committee of any thereof, and no person having charge or custody thereof shall refuse this right to any officer or investigative body or committee, and it shall be the express duty of such person to assist such officer or committee in locating records or information. If any member of a commission violates the provisions of this paragraph, he shall be subject to removal from office.

(16) Subject to the provisions of Section 11 of this Act, a commission shall appoint an executive secretary and such other employees as it deems essential to perform its duties under this Act. Such employees shall possess such authority and perform such duties as the commission shall prescribe or delegate to them. Such employees may include stewards, chemists, veterinarians, inspectors, accountants, guards, and such other employees deemed by the commission to be necessary for the supervision and the proper conduct of the highest standard of horse racing. Such employees shall be compensated as provided by the commission.

(17) The executive secretary of a commission, in addition to any other duties prescribed by such commission, shall keep a true and full record of all proceedings of such commission and preserve at such commission's general office all books, documents and papers of such commission.

(18) A commission shall have the authority to employ legal counsel of its choice to advise such commission and represent it in all proceedings. The

compensation of such counsel shall be paid out of funds of such commission.

Section 11. Qualifications of Commission Employees. Each appointed officer and each employee of a commission shall be of good moral character and shall never have been indicted by a grand jury for any felony or other offense involving moral turpitude, shall never have been convicted of a felony or other offense involving moral turpitude, shall never have been the subject of injunctive or disciplinary action by any federal or state court or regulatory body charged with protecting the public against fraudulent or illegal conduct, and shall never have been made the subject, either singly or in conjunction with others, of an investigation by either a federal or state law-enforcement agency into activities that violate or allegedly violate federal or state laws against criminal conspiracy, racketeering, illegal gambling and other activities associated with organized crime. As a condition of employment by a commission, each employee shall make and submit to such commission an affidavit confirming his or her qualifications, as set forth in the preceding sentence, to be an employee of such commission, which affidavit shall constitute a part of the permanent personnel records of such commission. Any employee of a commission who in such affidavit intentionally makes a false statement of material fact or intentionally fails to disclose any information necessary to make any statement of material fact made therein not misleading shall be guilty of perjury and shall be subject to prosecution and punishment therefor in the same manner as if he had committed perjury as a witness in open court.

Section 12. Review of Commission Actions. Any person aggrieved by a refusal of a commission to issue any license or permit, or suspension or revocation of a license or permit, imposition of a fine, or any other action of the commission, may, within thirty (30) days of such action, appeal to the circuit court of the host county. If such court finds that the action of such commission was arbitrary, it shall order the issuance or reinstatement of such license or permit, abatement of such fine or such other action as it deems appropriate. The decision of such court shall be subject to appeal as in other cases at law.

Section 13. Commission may Obtain Injunctions. Whenever it appears to a commission that any person has been violating or may violate any provision of this Act or any reasonable rule or regulation or final decision of such commission, it may apply to the circuit court of the host county for an injunction against such person. The order granting or refusing such injunction shall be subject to appeal as in other cases in equity.

Section 14. Licenses Required for Owners and Operators. No person shall construct or establish a horse racetrack where race meetings are to be held and pari-mutuel wagering permitted, or own any such track or racing facilities in the sponsoring municipality, unless he has obtained an owner's license issued by a commission in accordance with the provisions of this Act, which license when granted shall authorize the holder thereof to conduct, establish and own in the sponsoring municipality a horse racetrack where race meetings are held and pari-mutuel wagering permitted in compliance with this Act.

No person shall operate pari-mutuel wagering or conduct any race meeting at which wagering is permitted with his knowledge or acquiescence in the sponsoring municipality unless he has obtained an operator's license under the provisions of this Act, which license when granted shall authorize the holder thereof to operate pari-mutuel wagering or conduct a race meet-

ing at which pari-mutuel wagering is permitted in the sponsoring municipality in compliance with this Act.

No license issued under the provisions of this Act shall be transferable without the approval of the commission which issued such license, such approval to be given or withheld under rules and regulations adopted by such commission.

Section 15. Application for Owner's License. Any person desiring to construct or own a racetrack at which pari-mutuel wagering is permitted shall file with the appropriate commission an application for an owner's license. Such application shall be filed at the time and place prescribed by such commission and shall be in such form and contain such information as may be prescribed by such commission, including the following:

(1) the name and address of such person; if a corporation, the state of its incorporation and the full name and address of each officer and director thereof; if a foreign corporation, whether it is qualified to do business in the state; and if a partnership or joint venture, the name and address of each general partner thereof;

(2) the name, and every address for the period of five years immediately preceding the date of such application, of each stockholder or member of such corporation, or each general partner of such partnership or joint venture, and of each person who has contracted for a pecuniary interest in the applicant or the facilities at which such race meeting or pari-mutuel wagering will be conducted, whether such interest be an ownership or a security interest, and the nature and value of such interest, and the name and address of each person who has agreed to lend money to the applicant; provided that if the applicant proposes to arrange further financing, subsequent to the award of an owner's license, through a sale of stock, partnership interests or other equity interests, the issuance of debt securities, the entering into of financing leases or otherwise borrowing money, then, in such case, such commission may grant an owner's license which sets forth conditions to be met in arranging such further financing or which reserves to such commission the right to approve any or all aspects of such further financing;

(3) such information as such commission deems appropriate regarding the character and responsibility of the applicant and the members, partners, stockholders, officers and directors of the applicant;

(4) the location and description of the racetrack, place or enclosure where such applicant proposes to hold race meetings; provided that such commission may require such information about the facilities and location of the track, including preliminary architectural plans, as it deems necessary and appropriate to determine whether they comply with the minimum standards provided in this Act, and whether the conduct of race meetings at such location would be in the best interests of the people of the state;

(5) such information relating to the financial responsibility of the applicant as such commission deems appropriate;

(6) if any of the facilities necessary for the conduct of racing or pari-mutuel wagering are to be leased, the terms of such lease; and

(7) any other information which such commission in its discretion deems appropriate.

Any application filed hereunder shall be verified by the oath or affirmation of an officer of the applicant, and shall be accompanied by a nonrefundable fee of \$15,000.

Section 16. Review of Application for Owner's License. A commission shall promptly consider any application for an owner's license submitted to it and shall grant or deny such license based on all information before it, including any investigations it deems appropriate. A commission shall deny a license to any applicant unless it finds as follows:

(1) that each natural person having an ownership interest in the applicant, either directly or indirectly, shall have been a resident of the state continuously for a period of five years next preceding the date of the application in question; and

(2) that the applicant's facilities will meet the following minimum standards: (a) that the facilities will provide a track racing surface of at least one mile; and (b) that the facilities will be appropriate for the conduct of year-round racing and night racing.

For purposes of clause (1) of the next preceding sentence of this section, a resident of the state shall be a natural person who during the period in question had such continuing presence in the state as would have satisfied the residency requirements for such person to be and remain a registered voter in the state during such period.

The provisions of this section which permit an owner's license to be granted to an owner only if each natural person having ownership interest in such owner has been a resident of the state continuously for the preceding five years shall not be construed (A) to impair the foreclosure rights of any mortgagee holding a mortgage on the racing facilities of such owner securing debt incurred to finance the costs of constructing or purchasing such racing facilities or (B) to impair the rights of any mortgagee holding such a mortgage, or the rights of any other person, corporation or other legal entity to which such racing facilities may be sold in foreclosure, to take and hold title to such racing facilities, to lease or sell the same, and to apply for and receive an owner's license therefor from the commission upon compliance with all other applicable provisions of this Act, irrespective of whether the aforesaid condition of five years' residency in the state shall be satisfied by each individual having an ownership interest in such mortgagee or an ownership interest in a corporation or other legal entity to which such racing facilities shall be sold, as the case may be.

A commission shall deny a license to an applicant if it finds that for any reason the issuance of a license to such applicant would not be in the interests of the people of the sponsoring municipality, or that the applicant, or any officer, general partner or director of the applicant:

(i) has knowingly made a false statement of a material fact in the application or has deliberately failed to disclose any information called for in the application;

(ii) is or has been guilty of any corrupt or fraudulent act, practice or conduct in connection with any horse race meeting in the state or any other state;

(iii) has had a license or permit to hold or conduct a horse race meeting denied for just cause, suspended or revoked in any other state or country; or

(iv) is not qualified to do business in the state, or is not subject to the jurisdiction of the courts of the state.

Section 17. Terms of Owner's License. An owner's license issued under this Act shall be for a period determined by the commission issuing

such license, not to be less than twenty-five (25) years, but shall be reviewed annually. A commission issuing an owner's license shall state therein the person to whom such license is issued, the duration of such license, the location of the proposed racetrack, and such other conditions of the license and related information as such commission shall deem proper. It shall be the policy of each commission to permit widespread ownership of stock or limited partnership interests in a corporation or partnership holding an owner's license and owning a racetrack facility.

While any owner's license or licenses theretofore issued by a commission shall remain in effect, such commission shall not issue (i) any other owner's license with respect to the racetrack covered by the owner's license or licenses already in effect or (ii) any other owner's license covering any other racetrack to be located in the sponsoring municipality without, in either case, the duly authorized consent of the owner or owners holding all owner's licenses already in effect, which consent shall be obtained in writing prior to the issuance of any such other owner's license. Any provisions of this Act or any other law to the contrary notwithstanding, a commission may, at the time of the issuance of an owner's license to an owner or at any time thereafter, enter into a contract with such owner establishing restrictive conditions under which such commission may license racetracks that would compete with the racetrack covered by the license of such owner, which conditions may, in the discretion of such commission, preclude the licensing of any competing racetracks while such owner's license shall remain in effect. The provisions of any such contract between a commission and an owner shall be deemed to be a part of the terms and conditions of the owner's license granted to such owner. Without in any way limiting the nature of the consideration that might be given by an owner to make such contract binding, the obligations (including any future obligations) of any operator using the racetrack covered by such owner's license to pay the state wagering fee and the commission wagering fee, together with the economic benefits to be derived by the state and by such commission and its sponsoring municipality from the establishment and continued operation of a racetrack, shall be deemed sufficient consideration to make such contract binding upon such commission and any state racing commission. Any such contract between a commission and an owner shall be binding upon such commission and any state racing commission at any time exercising jurisdiction over such commission or such owner and shall not be impaired by any subsequent action of such commission or such state racing commission or by any act of the Legislature of Alabama which, through the authorization of another licensing entity or by any other means, would permit or encourage the establishment and operation of a competing racetrack in contravention of such contract.

A commission may require a bond with surety acceptable to it in an amount determined by it to be sufficient to cover the maximum indebtedness anticipated to be incurred by the licensee to such commission in any year. The amount of such bond may be adjusted from time to time as such commission may require.

Each commission may require the licensee to pay such commission a license fee of \$2,000 per month for a period beginning six months from the date of issuance of the owner's license to the date of the beginning of operation of the related racetrack. The license fee shall be used by the commission for operating expenses prior to the beginning of operation of the racetrack.

Section 18. Application for Operator's License. Any corporation desir-

ing to hold race meetings at which pari-mutuel wagering is permitted shall file with the appropriate commission an application for an operator's license. Such application may be made in conjunction with an application for an owner's license. It shall be filed at the time and place prescribed by the commission and shall contain such information as prescribed by the commission, including all information required for an owner's license under this Act. Any application for an operator's license filed hereunder shall be verified by the oath or affirmation of an officer of the applicant and shall be accompanied by a nonrefundable fee of \$10,000.

Section 19. Review of Application for Operator's License. A commission shall promptly consider any application for an operator's license submitted to it and shall grant or deny such license based on all information before it, including any investigation it deems appropriate. A commission shall deny a license to any applicant unless it finds as follows:

(1) that such applicant is a corporation organized under Title 10 of the Code of Alabama 1975, or comparable law or laws of another state, and qualified to do business in the state;

(2) if the corporation is a stock corporation, that no one person owns more than thirty percent (30%) in voting rights or value of the stock of such corporation, and that no "family group" (which shall mean, for the purposes of this clause (2), any person and his or her spouse, parents, brothers and sisters) owns more than fifty percent (50%) in voting rights or value of the stock of such corporation; if the corporation is a nonstock corporation, that there are at least ten members, and that no more than twenty percent (20%) of the membership belongs to any family group;

(3) if the corporation is a stock corporation, that one hundred percent (100%) in voting rights and value of such corporation is owned directly or indirectly (through ownership of corporate stock, partnership interests or beneficial interests in one or more trusts or estates) by natural persons who have been residents of the state continuously for a period of five years next preceding the date of the application in question; if the corporation is a nonstock corporation, that members of such corporation possessing one hundred percent (100%) of the voting rights are natural persons who have been residents of the state for a period of five years next preceding the date of the application in question;

(4) that the members of the board of directors of such corporation, whether the same shall be a stock or a nonstock corporation, are individuals who have been residents of the state for a period of five years next preceding the date of the application in question;

(5) that the applicant's articles or certificate of incorporation or other corporate documents provide that it may, on vote of a majority of the stockholders or members, purchase at fair market value the entire stock or interest of any stockholder, or require the resignation of any member, who is or becomes unqualified for such position under this Act;

(6) that the applicant would be qualified, under the provisions of this Act, for a license to own the racetrack facilities at which it desires to hold a race meeting;

(7) that the applicant shall have made, or shall have committed to make, arrangements satisfactory to such commission for the detection and prosecution of any corrupt or fraudulent act, practice, or conduct in connection with any race meeting, including utilization of the services of a protective agency acceptable to such commission; and

(8) that the applicant shall have obtained and committed to maintain membership in such racing associations (as, for example, the Thoroughbred Racing Association or the United States Harness Association) as such commission finds necessary or desirable to assist an operator to operate race meetings. For purposes of clauses (3) and (4) of the next preceding sentence of this section, a resident of the state shall be a natural person who during the period in question had such continuing presence in the state as would have satisfied the residency requirements for such person to be and remain a registered voter in the state during such period.

Section 20. Terms of Operator's License. An operator's license issued under this Act shall be for a period of twenty years (20) years, but shall be reviewed annually. Any such license issued under this Act shall permit the holder thereof to hold and conduct one or more race meetings each year at the racetrack to which such license shall be applicable. Races may be conducted six days or nights a week throughout the year, but not on Sunday.

A commission issuing an operator's license shall state therein the corporation to which such license is issued, the location of the racetrack where meetings are to be conducted, the period during which such license shall be in effect, and such other conditions of the license and related information as such commission shall deem proper.

While any operator's license or licenses theretofore issued by a commission shall remain in effect, such commission shall not issue any other operator's license with respect to any racing events of the kind covered by the operator's license or licenses already in effect without the duly authorized consent of the operator or operators holding all operator's licenses already in effect, which consent shall be obtained in writing prior to the issuance of any such other operator's license. Any provisions of this Act or any other law to the contrary notwithstanding, a commission may, at the time of the issuance of an operator's license to an operator or at any time thereafter, enter into a contract with such operator establishing restrictive conditions under which such commission may license the conduct of racing events that would compete with the racing events or activities covered by the license of such operator, which conditions may, in the discretion of such commission, preclude the licensing of any competing racing events or activities while such operator's license shall remain in effect. The provisions of any such contract between a commission and an operator shall be deemed to be a part of the terms and conditions of the operator's license granted to such operator. Without in any way limiting the nature of the consideration that may be given by an operator to make such contract binding, the obligations (including any future obligations) of any operator to pay the state wagering fee and the commission wagering fee, together with the other economic benefits to be derived by the state and by such commission and its sponsoring municipality from the conduct of horse racing and pari-mutuel wagering thereon, shall be deemed sufficient consideration to make such contract binding upon such commission and any state racing commission. Any such contract between a commission and an operator shall be binding upon such commission and any state racing commission at any time exercising jurisdiction over such commission or such operator and shall not be impaired by any subsequent action of such commission or such state racing commission or by any act of the Legislature of Alabama which, through the authorization of another licensing entity or by any other means, would permit or encourage the conduct of racing events or activities by persons other than such operator in contravention of such contract.

A commission issuing an operator's license shall require a bond with

surety acceptable to it, and in an amount determined by it to be sufficient to cover the maximum indebtedness anticipated to be incurred by the holder of such license to such commission in any year. The amount of such bond may be adjusted from time to time as such commission may require.

Section 21. Suspension or Revocation of License. A commission may suspend or revoke any license or fine the holder thereof not to exceed \$5,000 after hearing with fifteen (15) days' notice in any case where it has reason to believe that any regulation of the commission has not been complied with or has been violated. Annually, each commission shall review the performance of each licensee for compliance with the provisions of this Act and the rules and regulations of such commission. Deliberations of a commission under this section may be conducted in executive session, unless otherwise requested by the licensee. If any such license is suspended or revoked, the commission shall state its reasons for doing so, which shall be entered of record. Such action shall be final unless appealed in accordance with the provisions of this Act.

Section 22. Application to Acquire Interest in Operator. Any person desiring to acquire stock in, or become a member of, a corporation which holds an operator's license hereunder shall apply to the commission which issued such license on a form prescribed by it for approval of such acquisition or membership; provided, however, that no stock in any stock corporation holding an operator's license may be acquired or transferred pursuant to the provisions of this section unless all the natural persons who will ultimately own, directly or indirectly, all the voting rights and value represented by such stock shall have been residents of the state (as "resident of the state" is defined in Section 19 hereof) continuously for a period of five years next preceding the date on which such stock is to be acquired or transferred; provided further that no person shall become a member of any nonstock corporation holding an operator's license unless such person is a natural person who shall have been a resident of the state (as "resident of the state" is defined in Section 19 hereof) continuously for a period of five years next preceding the date on which such person is to become a member of such corporation. The commission shall consider such application forthwith, and may, if it finds it necessary, demand additional information concerning the proposed acquirer or transferee of stock or the proposed member in a nonstock corporation, as the case may be. If, in the judgment of the commission the acquisition or transfer of stock or membership in a corporation holding an operator's license would be detrimental to the public interest, to the honesty and integrity of racing, or to the reputation of racing, the application shall be denied. If the application is not denied within sixty (60) days, it shall be deemed approved. It shall be the policy of each commission to favor the widespread ownership of stock in operators by residents of the state.

Section 23. Permits Required for Certain Individuals and Companies. No person, firm, corporation or partnership shall participate in any horse racing subject to the jurisdiction of a commission or in the conduct of any racing event or pari-mutuel wagering thereon, whether as a horse owner, trainer, jockey, exercise boy, groom, stable foreman, valet, veterinarian, agent, pari-mutuel employee, concessionaire or employee thereof, or track employee, or enter the track enclosure in any capacity other than as a spectator, unless such person or the firm, corporation or partnership employing such person possesses a permit therefor from the appropriate commission and complies with the provisions of this Act and all reasonable rules and regulations of such commission. No permit issued under this section shall be transferable.

The provisions of this section which require a concessionaire to obtain a permit from the appropriate commission in order to operate a business selling food, beverages, souvenirs or other merchandise to persons attending racing events shall not be construed to permit any commission to charge a concessionaire any license or permit fees measured by its gross revenues or to derive any economic benefit from the operations of such concessionaires other than the permit fees authorized by Section 24 of this Act, it being expressly provided that the owner and the operators for each racing facility shall have the exclusive rights (as they may by contract allocate such rights among themselves) to determine the business conditions under which concessionaires shall operate at racing facilities under the jurisdiction of any commission and to retain all moneys (except for the commission's permit fee as aforesaid) which any concessionaire is willing to pay for the privilege of conducting business at such racing facilities.

Section 24. Application for Permit. Any person, firm, corporation or partnership desiring to obtain a permit as required by this Act shall make application therefor on a form prescribed by the appropriate commission. Each individual applicant and each principal of any firm, chief executive officer of any corporation and managing partner of any partnership applying for a permit for such firm, corporation or partnership, as the case may be, shall be photographed and fingerprinted and shall supply such information as such commission may require. All information contained in, or submitted in support of, any application for a permit shall be confirmed by an affidavit of the person or persons making such application, whether such application shall be made on behalf of such person or persons or on behalf of a firm, corporation or partnership. Any application for a permit made by an individual who seeks to work at a racing facility under the jurisdiction of a commission and any application for a permit made by a firm, corporation or partnership that seeks to provide services or sell merchandise at such racing facility, as the case may be, shall include a statement as to whether such individual, or any owner, principal, officer, director or partner of such firm, corporation or partnership, or any employee of such firm, corporation or partnership who will actually work at such racing facility, has ever been indicted by a grand jury for any felony or other offense involving moral turpitude, has ever been convicted of a felony or other offense involving moral turpitude, has ever been the subject of injunctive or disciplinary action by any federal or state court or regulatory body charged with protecting the public against fraudulent or illegal conduct, or has ever been made the subject, either singly or in conjunction with others, of an investigation by either a federal or state law-enforcement agency into activities that violate or allegedly violate federal or state laws against criminal conspiracy, racketeering, illegal gambling and other activities associated with organized crime. Any firm, corporation or partnership which has previously received an effective permit from a commission to provide services or sell merchandise at a racing facility shall, as a condition of maintaining such permit, file with such commission supplemental information (including the statement described in the preceding sentence) concerning any new or additional owners, principals, officers, directors or partners of such firm, corporation or partnership, as the case may be, or any new or additional employees thereof who will actually work at such racing facility.

A commission shall be entitled to charge fees for permits according to such schedule as it shall adopt from time to time, and in addition to the fee that it may charge a firm, corporation or partnership having employees at a racing facility under its jurisdiction, it may charge a separate fee for each individual employee of such firm, corporation or partnership working at

such racing facility; provided, however, that (i) the permit fee for any one firm, corporation or partnership shall not exceed \$1,000 in any period of one year and (ii) the permit fee for any individual shall not exceed \$50 in any period of one year, regardless of whether such individual is self-employed or is employed by a firm, corporation or partnership also paying a permit fee.

Section 25. Review of Applications for Permits. A commission shall promptly consider any application for a permit submitted to it and shall issue or deny such permit based on the information in the application and all other information before it, including any investigation it deems appropriate. If an application for a permit is approved, the commission approving such application shall issue a permit which shall contain such information as such commission deems appropriate. Such permit shall be valid for one year.

A commission shall deny any such application and refuse to issue a permit, which denial shall be final unless an appeal is taken under the provisions of this Act, if it finds that the issuance of such permit to the applicant therefor would not be in the interest of the applicant, the people of the sponsoring municipality or the horse racing industry in the sponsoring municipality, or that the applicant:

(1) has knowingly made a false statement of a material fact in the application or has deliberately failed to disclose any information called for by the application;

(2) is or has been guilty of any corrupt or fraudulent practice or conduct in connection with any horse racing activity in the state or any other state;

(3) has failed to comply with the provisions of this Act or the reasonable rules and regulations of the commission;

(4) has had a permit to engage in an activity related to horse racing for just cause, suspended or revoked in any other state, and such denial, suspension or revocation is still in effect; or

(5) is unqualified to perform the duties required for the permit sought.

Section 26. Suspension or Revocation of Permit. A commission may suspend or revoke a permit issued under this Act or fine the holder of such permit not to exceed \$1,000, after hearing with fifteen (15) days' notice to such holder, in any case where it has reason to believe that any provision of this Act, or any reasonable rule or regulation of the commission, has not been complied with or has been violated. The commission may revoke such permit, after such hearing, if it finds that facts not known by it at the time it considered the application for such permit indicate that such permit should not have been issued. Deliberations of a commission concerning the suspension or revocation of a permit may be conducted in executive session unless otherwise requested by the holder of such permit. If any permit is suspended or revoked, the commission shall state its reasons for so doing and shall enter the same in the permanent records of its proceedings. The suspension or revocation of a permit shall be final unless an appeal is taken in accordance with the provisions of this Act.

Section 27. License Required for Stewards; Appointment of Stewards for Race Meetings. Any person desiring to act as a steward for any race meeting conducted pursuant to this Act must obtain a license from the commission having jurisdiction over such race meeting. Each commission shall

require each applicant for a steward's license to pass one or more examinations on matters relating to the duties of stewards. Such examinations shall be prepared and administered in accordance with rules and regulations to be adopted by each commission. Any commission may establish other requirements, in addition to successful completion of such examinations, which must be met by any applicant in order to obtain a steward's license, including, without limitation, payment of reasonable license fees. Any steward's license issued pursuant to this Act shall have a term not exceeding two years, provided that the term of any such license may be extended or renewed at the option of the appropriate commission.

Three licensed stewards shall be appointed to supervise each race meeting conducted pursuant to this Act. Two of such stewards shall be appointed by the commission governing such race meeting and one shall be appointed by the operator conducting such race meeting. Such stewards shall exercise such powers and perform such duties at each race meeting as may be prescribed by the rules and regulations of the governing commission.

Section 28. General Provisions Respecting Pari-mutuel Wagering. Pari-mutuel wagering conducted by an operator shall be conducted in accordance with the provisions of this section. An operator shall provide a place or places at the racetrack operated by it at which such operator shall conduct a pari-mutuel system of wagering by its patrons on the results of horse races held at such racetrack. Such place or places shall be provided with the electronic or mechanical equipment necessary to issue pari-mutuel tickets, as well as the electronic or mechanical equipment necessary to record the wagering, compute the odds, and determine the awards to winning bettors, all in an accurate and speedy manner. All such equipment shall be approved by the commission licensing such operator before being used, but such commission shall not require the installation of any particular make of such equipment.

Subject to the provisions of the next succeeding paragraph, an operator shall distribute to the winners of each pari-mutuel pool the total amount wagered with respect to that pool, less the following deductions to be retained by such operator as in the case may be applicable:

(i) in the case of any pari-mutuel pool where the bettor is required to select one horse, there shall be deducted an amount equal to seventeen percent (17%) of the total amount wagered with respect to that pool plus the breakage applicable to the winning bets for that pool;

(ii) in the case of any pari-mutuel pool where the bettor is required to select two horses, there shall be deducted an amount equal to twenty-one percent (21%) of the total amount wagered with respect to that pool plus the breakage applicable to the winning bets for that pool; and

(iii) in the case of any pari-mutuel pool where the bettor is required to select three or more horses, there shall be deducted an amount equal to twenty-three percent (23%) of the total amount wagered with respect to that pool plus the breakage applicable to the winning bets for that pool.

In addition to the amounts permitted by the preceding sentence to be deducted from all pari-mutuel pools and retained by an operator, such operator shall be permitted to retain all moneys represented by unclaimed, uncashed, or abandoned pari-mutuel tickets; provided, however, that no pari-mutuel ticket shall be deemed to be unclaimed, uncashed, or abandoned unless it shall not be presented for payment within six months from the

date of the running of the race to which such pari-mutuel ticket pertains.

During any period in which an operator shall be required to pay the state wagering fee, such operator shall have the right to increase the deduction permitted by the next preceding paragraph by an amount up to one percent (1%) of the total amount wagered with respect to any pari-mutuel pool, any provisions of this Act or any other law to the contrary notwithstanding. It is hereby expressly declared that this right is conferred upon each operator licensed by a commission for the purpose of enabling such operator to generate all or part of the money necessary to pay the state wagering fee, and any increase in the amount deducted by an operator from any pari-mutuel pools pursuant to the exercise of such right shall not be made the basis of any increase in the state wagering fee, the commission wagering fee or any other taxes, fees or commissions payable by such operator. No increase in the amount deducted from any pari-mutuel pool shall be permitted pursuant to this paragraph until such time as an operator shall become liable for the state wagering fee, but thereafter, and for so long as such operator shall remain liable for the state wagering fee, the right conferred by this paragraph to increase the amount deducted may be exercised at any time and from time to time (including the right to institute an increase and thereafter discontinue and resume it any number of times), may be exercised with respect to all pari-mutuel pools or with respect to some and not to others, and may be exercised with respect to any pari-mutuel pool in any degree of increase, not exceeding in any case more than one percent (1%) of the total amount wagered with respect to that pool, all as such operator shall determine in the exercise of its sole discretion without direction or influence from the commission licensing such operator, any state racing commission or any other governmental body.

A commission shall adopt and maintain rules and regulations for each kind of pari-mutuel pool that may be operated by an operator licensed by such commission, and such rules and regulations shall be published by such commission in book or pamphlet form for general distribution to all interested persons. Under the pari-mutuel system of wagering hereby authorized, an operator shall be permitted to provide separate pools for bets to win, place, and show, as well as separate pools for more complex wagers involving such combinations of races and such combinations of the outcomes of races as shall be approved by the commission licensing such operator. Each pool (less the amount that the operator is permitted to retain pursuant to the provisions of this section) shall be distributed separately to the winners thereof in accordance with the rules and regulations of the governing commission for that kind of pari-mutuel pool. If there is no ticket bet on the winning horse or combination of horses for any pari-mutuel pool, the portion of the pool which would have been distributed to any winners thereof shall be distributed to the holders of tickets for such pool in accordance with the rules and regulations of the governing commission for that kind of pari-mutuel pool.

Section 29. State Wagering Fee. No license tax, fee or equivalent charge shall be levied by the State against horse racing or pari-mutuel wagering thereon licensed and regulated by a commission during a period beginning with the effective date of this Act and continuing until the end of the fifth (5th) calendar year next succeeding the calendar year in which racing events shall first be conducted under the jurisdiction of such commission. Beginning with the sixth (6th) calendar year next succeeding the calendar year in which racing events shall first be conducted under the jurisdiction of a commission, and continuing thereafter for so long as such commission shall continue in existence, each operator licensed by such com-

mission shall pay to the department of revenue of the state (or such other department or agency of the state as may be provided by law) a state wagering fee in an amount equal to one percent (1%) of the handle of such operator. The state wagering fee shall be paid in installments referable to the calendar months during which racing events shall be conducted by an operator, and the installment referable to any calendar month shall be an amount equal to one percent (1%) of the handle of such operator for such calendar month and shall be paid to the department of revenue of the state (or such other department or agency of the state as may be provided by law) prior to the end of the next succeeding calendar month. The department of revenue of the state (or other collecting department or agency of the state) is hereby authorized to promulgate and enforce such rules and regulations, not inconsistent with the provisions of this Act, as shall be reasonably necessary for the determination and collection of the state wagering fee. The department of revenue of the state (or other collecting department or agency of the state) may require a bond with surety acceptable to it in an amount determined by it to be sufficient to cover the maximum liability for the state wagering fee that may at any time be incurred by an operator.

Section 30. Commission Wagering Fee. Each operator shall pay to the treasurer of the commission licensing such operator a commission wagering fee for each calendar year during which it conducts any racing events. The amount of the commission wagering fee for an operator for a given calendar year shall be equal to the sum of (i) two percent (2%) of the handle of such operator for such calendar year to the extent that such handle does not exceed one hundred fifty million dollars (\$150,000,000) and (ii) four percent (4%) of the portion of the handle of such operator for such calendar year that exceeds one hundred fifty million dollars (\$150,000,000). Each operator shall make payment of its commission wagering fee for each calendar year to the treasurer of the licensing commission in monthly installments. For each calendar year, the monthly installment referable to any month (other than the month during which the final racing event for such calendar year shall be conducted) shall be equal to two percent (2%) of the handle for such month. The monthly installment referable to the month during which the final racing event for any such calendar year shall be conducted shall be equal to the sum of (i) two percent (2%) of the handle for such month and (ii) two percent (2%) of the portion of the aggregate handle for such calendar year in excess of \$150,000,000. The installment of the commission wagering fee referable to any calendar month shall be paid to the treasurer of the appropriate commission prior to the end of the next succeeding calendar month.

If at any time during a calendar year the aggregate handle of an operator for such calendar year exceeds \$150,000,000, then such operator shall, in order to assure the availability of moneys required to pay the final installment of its commission wagering fee for such calendar year, set aside and invest moneys in an amount equal to two percent (2%) of the portion of such aggregate handle in excess of \$150,000,000 in investments of the kind in which the funds of a commission are permitted by Section 9 hereof to be invested by its treasurer. Any such investments acquired by an operator shall be held by it in trust for the benefit of the commission licensing such operator in order to secure the payment of the commission wagering fee, but the operator shall be entitled to any interest earned from such investments until the due date of the final installment of the commission wagering fee for such calendar year.

The Legislature hereby finds and determines that the commission wagering fee authorized by this Act is the maximum license fee or equivalent

tax or charge which can be levied by a commission or by any political subdivision of the state against horse racing or pari-mutuel wagering thereon without impairing the economic viability of horse racing and lessening its contribution to increased employment and tourism in the state. No commission shall have the power to increase the commission wagering fee above the limits provided in this Act or to levy or impose any additional license fee or equivalent tax or charge against horse racing or pari-mutuel wagering thereon conducted under the provisions of this Act.

Any provision of this Act or any other law to the contrary notwithstanding, a commission may, at the time of the issuance of an owner's or operator's license or at any time thereafter, enter into a contract with the owner or operator to which such license may be issued for the purpose of establishing limits on the amount of the taxes, fees and commissions that may be levied or charged by the state, any political subdivision thereof or any other governmental body for the granting, use or continuation of an operator's license with respect to a particular racetrack during the term or duration of such license, which limits may not provide for license fees less than the license fees established at the time of such contract by this Act or any other then effective law amending or supplementing this Act. The provisions of any such contract between a commission and an owner or operator shall be deemed to be a part of the terms and conditions of the license in connection with which such contract is made. Without in any way limiting the nature of the consideration that may be given by an owner or operator to make such contract binding, the obligations (including any future obligations) of any operator to pay the state wagering fee and the commission wagering fee, together with the other economic benefits to be derived by the state and by such commission and its sponsoring municipality from the conduct of horse racing and pari-mutuel wagering thereon, shall be deemed sufficient consideration to make such contract binding upon such commission and any state racing commission. Any such contract between a commission and an owner or operator shall be binding upon such commission and any state racing commission at any time exercising jurisdiction over such commission or such owner or operator and shall not be impaired by any subsequent action of such commission or by any act of the Legislature which attempts to increase the fee for an operator's license covered by such contract or to impose any tax or additional license fees in excess of the limits established by such contract.

Section 31. Purses. From the moneys deposited in pari-mutuel pools which are not distributed to the holders of winning tickets, each operator shall apply an amount equal to seven percent (7%) of its total handle to provide purse moneys for races conducted by such operator. Prior to the commencement of any race meeting, the operator conducting such meeting shall estimate the amount of its handle to be derived from such meeting. Based upon such estimate, the operator shall adopt a schedule providing for a reasonable allocation of purse moneys over the period of the anticipated race meeting. Any such schedule may be amended from time to time during the course of a race meeting if it becomes apparent that the operator's actual handle for such race meeting will not match its original estimate.

Each operator shall provide the commission licensing such operator with periodic reports respecting the amounts applied by such operator to provide purse moneys. If at the close of any race meeting it is determined that the operator conducting such meeting failed to apply an amount equal to seven percent (7%) of its handle for such meeting to provide purse moneys, then any excess shall be deducted from, and any deficiency shall be added to, the amount which such operator is required to provide as purse

moneys for its next succeeding race meeting.

Section 32. Television or Radio Transmission of Racing Events. Each commission shall have the power to adopt rules and regulations specifying the conditions under which television or radio coverage of racing events held at racetracks located outside the state may be transmitted for public viewing to facilities within the sponsoring municipality which are under the jurisdiction of such commission and there made the object of pari-mutuel wagering. Subject to such exceptions as a commission may approve by rule or regulation in order to satisfy applicable requirements of federal law, all pari-mutuel wagering with respect to such racing events that are subject to television or radio coverage shall be subject to the rules governing pari-mutuel wagering on racing events conducted at racetracks under the jurisdiction of such commission, including the provisions of Sections 28, 29 and 30 hereof.

Each commission shall also have the power to adopt rules and regulations specifying the conditions under which television or radio coverage of racing events held at racetracks under the jurisdiction of such commission may be either (i) transmitted on a live or delayed basis by a commercial television or radio station or network for the entertainment of the public or (ii) transmitted to specific locations in other states for the purpose of pari-mutuel wagering at such locations.

Section 33. Admission Fee. The governing body of a sponsoring municipality may by ordinance impose a fee on an operator licensed hereunder to conduct a race meeting of \$.25 on the admission of each person on each day of such meeting, except those persons holding valid permits under this Act and actually employed at such track in the capacities for which such permits were issued. The operator may collect such amount from the ticket purchaser in addition to the amount charged for the ticket of admission.

Section 34. Breeding Fund. Each commission shall establish a special fund to promote the breeding, raising and racing of thoroughbred and standardbred horses in the state, which shall be known as "The (name of the sponsoring municipality) Racing Commission Breeding and Development Fund." Each operator shall pay to its licensing commission a breeding fund fee for each month during which it conducts any racing events. For each operator, the breeding fund fee for any month shall be an amount equal to one-half of one percent ($\frac{1}{2}\%$) [or, in the case of any such fee referable to any month during the period of three years immediately following such operator's receipt of an operator's license, one-fourth of one percent ($\frac{1}{4}\%$)] of the handle for such operator for such month. The breeding fund fee payable by an operator for a given month shall be paid to the treasurer of the commission governing such operator before the end of the succeeding month. All breeding fund fees received by a commission shall be deposited into its breeding fund.

Twenty percent (20%) of the aggregate amount of breeding fund fees received by each commission in each calendar year shall be set aside for distribution to the schools of veterinary medicine at Auburn University and Tuskegee Institute. Each commission shall distribute the moneys so set aside on such schedule as shall be administratively reasonable and convenient, but in any event all such moneys referable to the breeding fund fees received in any calendar year shall be distributed not later than sixty (60) days after the end of such calendar year. Each commission shall divide the twenty percent of the breeding fund fees required to be set aside for the schools of veterinary medicine at Auburn University and Tuskegee Institute

between such schools in an equitable manner, taking into account the number of students served by each school, the nature and quality of equine research conducted at each such school and such other factors as such commission shall deem relevant in the circumstances; provided, however, that neither of such schools of veterinary medicine shall receive less than twenty-five percent (25%) of the total amount required to be set aside by the provisions of this paragraph in any calendar year. All moneys distributed to the schools of veterinary medicine at Auburn University or Tuskegee Institute pursuant to this paragraph shall be used exclusively for supportive research on the health and diseases of the horse.

Each commission shall adopt rules and regulations governing the maintenance and administration of its breeding fund and the disbursement of the moneys deposited therein, provided that such moneys may be used only for the purposes specified in the next preceding paragraph of this section and for the following additional purposes:

(1) to provide awards to breeders and owners of Alabama-bred thoroughbred or standardbred horses finishing first, second, third or fourth in pari-mutuel races run in the state;

(2) to provide awards to stallion owners whose Alabama stallions have sired Alabama-bred thoroughbred or standardbred horses finishing first, second, third or fourth in pari-mutuel races run in the state;

(3) to provide purse moneys for races conducted exclusively for Alabama-bred thoroughbred or standardbred horses under conditions which have been approved by such commission;

(4) to advance and promote the breeding and raising of thoroughbred and standardbred horses in the state by the publication and dissemination of information relating thereto;

(5) to promote equine research through grants to universities within the state; and

(6) to provide for the administration and management of such breeding fund.

Section 35. No Taxes in Addition to Fees. The state wagering fee, the commission wagering fee and any other fees imposed by this Act on pari-mutuel wagering shall be in lieu of all license and excise taxes imposed on horse racing and pari-mutuel wagering thereon by the state or any county, municipality or other political subdivision thereof; provided, however, that this section shall not be construed to confer any exemption with respect to any uniform taxes levied generally on property, income or business activity, including, without limitation (i) income taxes levied by the state, (ii) occupational taxes levied on wages by a sponsoring municipality or host county, (iii) ad valorem taxes levied on any racing facility at the same rates as are applicable to other commercial property having comparable market value, and (iv) state and local sales taxes on merchandise sold by operators or their concessionaires at racing events.

Section 36. Application of Net Revenues. All commission wagering fees and other fees, commissions and moneys, including fines and forfeitures, to which a commission shall be entitled under the provisions of this Act shall be paid to the treasurer of such commission and shall be deposited by said treasurer to the account of such commission. All such moneys remaining after (i) the payment of all expenses incurred in the administration of this Act, including, without limitation thereto, the payment of the sala-

ries and expenses of the members and employees of such commission and (ii) the deposit into the breeding fund of all amounts required by Section 34 hereof to be deposited therein shall be allocated and paid not less frequently than once each calendar year as follows:

(1) eighteen percent (18%) of the net revenues shall be allocated to the sponsoring municipality, subject to the condition that five percent (5%) of the amount so allocated shall be contributed to the general employees' pension fund of the sponsoring municipality for the purpose of providing cost-of-living increases in pension benefits;

(2) ten percent (10%) of the net revenues shall be allocated in total to the county or counties in which the sponsoring municipality or any part thereof shall be located, subject to the conditions that

(i) if the sponsoring municipality is located in more than one county, the portion of the said ten percent of net revenues allocated to each such county shall be determined in proportion to the population of the sponsoring municipality residing in such county as determined by the most recent federal decennial census,

(ii) one-half of the amount of net revenues allocated to any county shall be used for county-wide purposes (including both incorporated and unincorporated areas) in such manner as shall be determined by the governing body of such county, and

(iii) one-half of the amount of net revenues allocated to any county shall be used to defray the cost of governmental operations conducted in the unincorporated parts of such county or shall otherwise be used for the exclusive benefit of the unincorporated parts of such county in such manner as shall be determined by the governing body thereof;

(3) if the Board of Trustees of the University of Alabama operates a college, graduate school, extension center or other educational facility located in any county in which the sponsoring municipality or any part thereof shall be located, nine percent (9%) of the net revenues shall be allocated to the Board of Trustees of the University of Alabama, subject to the conditions that

(i) such amount shall be used exclusively in the county or counties in which the sponsoring municipality or any part thereof shall be located,

(ii) one-twelfth (1/12) of the amount of net revenues allocated to the Board of Trustees of the University of Alabama shall be used for the support of any programs operated for the correction or treatment of learning disorders of any kind or research into the causes of such disorders, and if no such programs are operated by the Board of Trustees of the University of Alabama in the county or counties in which the sponsoring municipality or any part thereof shall be located, such portion of the net revenues shall be used in such county or counties for such other purposes or programs as may be determined by said Board of Trustees, and

(iii) one-twelfth (1/12) of the amount of net revenues allocated to the Board of Trustees of the University of Alabama shall be used for the support of any programs or laboratories operated for research in virology, and if no such programs or laboratories are operated by the Board of Trustees of the University of Alabama in the county or counties in which the sponsoring municipality or any part thereof shall be located, such portion of the net revenues shall be used in such county or counties for such other purposes or programs as may be determined by said Board of Trustees;

(4) three percent (3%) of the net revenues shall be allocated in total to public junior colleges [other than any public junior colleges described in paragraph (5) of this section] located in the county or counties in which the sponsoring municipality or any part thereof shall be located; and if there shall be more than one of such public junior colleges, the said three percent of the net revenues shall be apportioned equally among such junior colleges;

(5) two percent (2%) of the net revenues shall be allocated in total to public junior colleges which are located in the county or counties in which the sponsoring municipality or any part thereof shall be located and the student enrollment of which is predominantly drawn from economically disadvantaged minorities; and if there shall be more than one of such public junior colleges, the said two percent of the net revenues shall be apportioned equally among such colleges;

(6) two percent (2%) of the net revenues shall be allocated in total to public technical colleges located in the county or counties in which the sponsoring municipality or any part thereof shall be located; and if there shall be more than one of such public technical colleges, the said two percent of the net revenues shall be apportioned equally among such colleges;

(7) two percent (2%) of the net revenues shall be allocated to any public corporation or authority which provides public transportation in an area including the sponsoring municipality;

(8) twenty percent (20%) of the net revenues shall be allocated in total to all county, municipal, district or other public school systems operating primary and/or secondary schools in any county or counties in which the sponsoring municipality shall be located; and if there shall be more than one of such school systems, the said twenty percent of the net revenues shall be allocated to such school systems in proportion to their average daily attendance during the most recently completed school year;

(9) if any incorporated municipalities other than the sponsoring municipality are located in the county or counties in which the sponsoring municipality or any part thereof shall be located, six percent (6%) of the net revenues shall be allocated in total to such other municipalities; and if there shall be more than one of such municipalities, the said six percent of the net revenues shall be allocated to such municipalities in proportion to their population as determined by the most recent federal decennial census;

(10) two and one-half percent (2½ %) of the net revenues shall be allocated in total (i) to any public fire districts or volunteer fire departments organized and operating in unincorporated parts of the county or counties in which the sponsoring municipality or any part thereof shall be located and (ii) any municipal fire departments operated by municipalities that are located in the county or counties in which the sponsoring municipality or any part thereof shall be located and that have populations of one thousand (1,000) persons or less according to the most recent federal decennial census; and if there shall be more than one of such public fire districts, volunteer fire departments or municipal fire departments, the said two and one-half percent of the net revenues shall be allocated equally among such public fire districts, volunteer fire departments and municipal fire departments, with each thereof to receive an equal share, regardless of the number of participating firemen, the extent of the territory or number of buildings protected, or any other measure of the relative sizes of such public fire districts, volunteer fire departments and municipal fire departments; provided, however, that if any commission shall be created pursuant to this Act for which the sponsoring municipality shall be the City of Birmingham, then,

and in such case, the two and one-half percent of the net revenues referred to in this paragraph (10) shall be allocated to one or more public fire districts, volunteer fire departments and municipal fire departments in Jefferson County on such basis and in such manner as shall be determined by a public agency or authority to be created pursuant to law enacted at the session of the Legislature at which this Act is enacted or any subsequent session of the Legislature;

(11) two percent (2%) of the net revenues shall be allocated in total to any hospitals which are owned by any county, municipality or public corporation or authority and which are located in the county or counties in which the sponsoring municipality shall be located; and if there shall be more than one of such hospitals, the said two percent of the net revenues shall be allocated to such hospitals in proportion to their average patient census during the most recently completed annual period selected by the commission for the purpose of making such allocation;

(12) one-half of one percent ($\frac{1}{2}\%$) of the net revenues shall be allocated in total to any public authority or corporation at any time created by law to alleviate or solve, or to assist in the alleviation or solution of, flooding problems caused by creeks in the sponsoring municipality and host county as the result of heavy rainfall; and if no such authority or corporation shall be in existence at the time of any allocation required to be made pursuant to this paragraph (12), such allocation shall be made to the sponsoring municipality for use in alleviating or solving such flooding problems, provided that the sponsoring municipality may use such allocation for other purposes if its governing body shall determine that no such flooding problems occur in the sponsoring municipality;

(13) one percent (1%) of the net revenues shall be allocated to the Tannehill Furnace and Foundry Commission established pursuant to Code of Alabama 1975, §§ 41-9-320 through 41-9-330, inclusive;

(14) one-half of one percent ($\frac{1}{2}\%$) of the net revenues shall be allocated in total to the civil defense department at the time and from time to time maintained and administered by the sponsoring municipality;

(15) one percent (1%) of the net revenues shall be allocated to the Alabama State Fair Authority established pursuant to Act No. 215 enacted at the 1947 Regular Session of the Legislature of Alabama; and

(16) if and to the extent that the allocations of net revenues described in this paragraph can be lawfully made to recipients satisfying the applicable conditions as herein set forth, the commission shall allocate and disburse the following percentages of the net revenues for the following purposes:

(i) three percent (3%) of the net revenues shall be allocated in total to private, not-for-profit colleges which are located outside the corporate limits of the sponsoring municipality in any incorporated or unincorporated part of any county in which the sponsoring municipality or any part thereof shall be located and the student enrollment of which is predominantly drawn from economically disadvantaged minorities;

(ii) three percent (3%) of the net revenues shall be allocated in total to private, not-for-profit law schools which are located outside the corporate limits of the sponsoring municipality in any incorporated or unincorporated part of any county in which the sponsoring municipality or any part thereof shall be located and the student enrollment of which is predominantly drawn from economically disadvantaged minorities, it being expressly pro-

vided that the receipt by a college of any amount pursuant to the provisions of subparagraph (i) of this paragraph (16) shall not disqualify any law school affiliated with such college from receiving any amount for which such law school would otherwise qualify pursuant to the provisions of this subparagraph;

(iii) one-half of one percent ($\frac{1}{2}\%$) of the net revenues shall be allocated in total to private, not-for-profit colleges which are located in the sponsoring municipality and the student enrollment of which is predominantly drawn from economically disadvantaged minorities;

(iv) one percent (1%) of the net revenues shall be allocated in total to not-for-profit organizations, whether public or private, which operate in any county in which the sponsoring municipality or any part thereof shall be located and which promote, undertake or otherwise assist the career orientation, training and employment of persons belonging to economically disadvantaged minorities;

(v) one percent (1%) of the net revenues shall be allocated in total to not-for-profit organizations, whether public or private, that are located in the sponsoring municipality and that promote economic development in the sponsoring municipality and the surrounding metropolitan area;

(vi) five percent (5%) of the net revenues shall be allocated in total to private charitable hospitals located in the sponsoring municipality that primarily provide care for children;

(vii) one percent (1%) of the net revenues shall be allocated in total to not-for-profit organizations, whether public or private, which are located in any county in which the sponsoring municipality or any part thereof shall be located and which sponsor, promote or conduct research and education related to the cure or control of sickle cell anemia or provide treatment or other aid for victims of that disease;

(viii) subject to the provisions of subparagraph (ix) of this paragraph (16), one and one-half percent ($1\frac{1}{2}\%$) of the net revenues shall be allocated in total to not-for-profit organizations (including any particular branch thereof) which are located in the sponsoring municipality (including, without limitation thereto, organizations such as the Young Men's Christian Association and the Young Women's Christian Association) and which provide educational and recreational activities for young persons predominantly belonging to economically disadvantaged minorities;

(ix) the provisions of subparagraph (viii) of this paragraph (16) to the contrary notwithstanding, if any commission shall be created pursuant to this Act for which the sponsoring municipality shall be the City of Birmingham, then, and in such case, one-half of one percent ($\frac{1}{2}\%$) of the net revenues of such commission shall be deducted from the amount to be allocated pursuant to the said subparagraph (viii) and shall instead be allocated to Partners in Neighborhood Growth for use in providing recreational or educational activities for young persons;

(x) one and one-half percent ($1\frac{1}{2}\%$) of the net revenues shall be allocated in total to not-for-profit organizations (including particularly any research development and scholastic assistance fund), whether public or private, which are located in any county in which the sponsoring municipality or any part thereof shall be located and which promote and encourage scientific or technical education at the secondary and college levels by any means, including (without limitation thereto) financial assistance to schools and students, the development of improved curricula, and the training of

teachers; provided, however, that if any commission shall be created pursuant to this Act for which the sponsoring municipality shall be the City of Birmingham, then, and in such case, the one and one-half percent of the net revenues of such commission referred to in this subparagraph (x) shall be allocated in its entirety to the Research, Development and Scholastic Assistance Fund for Science and Technology, Inc., a private, not-for-profit corporation organized under the laws of Alabama;

(xi) one percent (1%) of the net revenues shall be allocated to the local chapter or affiliate of The National Urban League that is based in the sponsoring municipality;

(xii) one percent (1%) of the net revenues shall be allocated to the local chapter or affiliate of the United Cerebral Palsy Association, Inc. that is based in the sponsoring municipality;

(xiii) one-half of one percent ($\frac{1}{2}\%$) of the net revenues shall be allocated in total to private, not-for-profit organizations which are located in the sponsoring municipality and which sponsor and promote ballet and similar forms of the art of dance by any means, including the training of dancers and the giving of performances; and

(xiv) one-half of one percent ($\frac{1}{2}\%$) of the net revenues shall be allocated in total to not-for-profit organizations which are located in the sponsoring municipality and which assist and coordinate the activities of artists or groups of artists which perform or display their works within the sponsoring municipality.

Except as may herein be specifically provided otherwise, if there shall at any time exist more than one institution or organization which qualifies for a portion of any generic allocation of net revenues made pursuant to any of subparagraphs (i) through (xiv), inclusive, of paragraph (16) of this section, then, and in such case, a commission shall apportion such allocation among all institutions or organizations which evidence to such commission (in such manner as it shall reasonably require) their respective qualifications to receive a portion of such allocation. Any such allocation shall be apportioned among the qualifying institutions and organizations of each generic category in an equitable manner to be determined by the commission, taking into account the relative scale of activities of each qualifying institution or organization, the number of persons served thereby or other relevant factors. A commission shall have reasonable discretion in determining whether, in the light of the legislative intent, a particular institution or organization shall be entitled to an allocation of any portion of the net revenues pursuant to the provisions of this section.

A commission and the individual members thereof shall be fully protected against any charge of malfeasance in relying upon an opinion of the Attorney General of the State of Alabama that a portion of the net revenues may be lawfully allocated and paid to any institution or organization pursuant to any of the provisions of paragraph (16) of this section, unless a court of competent jurisdiction shall declare invalid the allocation of net revenues to any such institution or organization.

If any allocation of any portion of the net revenues pursuant to any provision of this section cannot be made for any reason (including, without limitation thereto, the legal invalidity of the provisions of this Act authorizing such allocation, lack of lawful authority by a commission to make such allocation, the nonexistence of any public body or any public or private institution or organization entitled to receive such allocation, or any other

failure to satisfy the conditions of such allocation), then, and in such case, the failure of such allocation shall not impair the validity or effectiveness of any part of this Act other than the provisions hereof specifically providing for such allocation, nor shall the failure of such allocation adversely affect any other allocation of net revenues under this Act. Any portion of the net revenues that, for any reason, cannot be allocated in accordance with the specific provisions of paragraphs (1) through (16) of this section shall be apportioned among those governmental bodies, institutions and organizations actually receiving lawful allocations hereunder in proportion to the respective amounts of net revenues which would have been allocated to such governmental bodies, institutions and organizations if there had been no need to reallocate any net revenues that could not be allocated in accordance with the specific provisions of said paragraphs (1) through (16).

It is hereby expressly declared that the primary purpose of this Act is to provide a means for permitting and regulating horse racing and pari-mutuel wagering thereon in Class 1 municipalities and, further, that it is not a primary purpose of this Act to provide funds for the various governmental bodies and public or private institutions and organizations to which allocations of portions of the net revenues of each commission are made pursuant to this section. The Legislature recognizes that one or more of such governmental bodies, institutions or organizations may not exist in the sponsoring municipality or in the surrounding county or counties, as the case may be, and that, even if the intended recipients do exist and satisfy the applicable conditions, any one or more of such allocations of the net revenues may fail because of legal invalidity or other reasons. The allocations of net revenues made pursuant to this section represent the legislative effort to confer an incidental benefit upon a wide spectrum of governmental and charitable activities, all of which may not be present in the same degree in every Class 1 municipality subject to this Act. Therefore, the legal invalidity or other failure of one or more allocations of net revenues made pursuant to this section should not impair the general validity of this Act or prevent the provisions hereof, other than those relating to the invalid or ineffective allocations, from being implemented as a coherent whole. If and to the extent that any allocation of net revenues made to any governmental body or any institution or organization is of such character as to cause this Act to be a local act, it is the legislative intent that the provisions for such allocation be severed from this Act and thereby prevented from causing this Act to be a local act.

Section 37. Conducting Race Without License and Wagering Thereon Prohibited. Any person who directly or indirectly holds any horse race without having procured a license as prescribed in this Act, shall be guilty of a misdemeanor. Any person wagering upon the results of such a race, except in the case of pari-mutuel wagering conducted by an operator in accordance with the provisions of this Act, shall be guilty of a misdemeanor. Upon conviction of any of the above misdemeanors in a court of competent jurisdiction, the penalty shall be a fine of not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1,000), or imprisonment of not less than five days nor more than six months, or both, such fine and imprisonment to be in the discretion of the court.

Section 38. Disqualification Due to Gambling Activities. No person who engages in the practice of professional gambling on horse races, or in the practice of making gambling or wagering books on such races, or who knowingly takes any part in such practice, shall be eligible as an applicant for any license or permit to own or operate a racetrack or conduct racing activities under the provisions of this Act, or to be connected therewith in

any capacity, and any corporation, partnership or other entity which has an officer, director, stockholder, partner or executive or who employs any person who engages in such practices shall likewise be ineligible as a licensee, and each commission is hereby empowered to inquire into such matters in entertaining any such application and otherwise in administering this Act.

Section 39. Tampering with Horses Prohibited. No person shall influence or have any understanding or connivance with any owner, trainer, jockey, driver, groom or other person associated or interested in any stable, horse or race in which any horse participates, to prearrange or predetermine the results of any such race, nor shall any person stimulate or depress a horse, for the purpose of affecting the results of a race, by use of any electrical device or any electrical equipment or by any mechanical or other device not generally accepted as regulation racing equipment, nor shall any person stimulate or depress a horse through the administration of any drug or chemical, or knowingly enter any horse in any race within a period of twenty-four hours after any drug or chemical has been administered to such horse, for the purpose of increasing or retarding the speed of such horse.

No person shall, except for medical purposes, administer any poison, drug, medicine or other substance to any horse entered or about to be entered in any race, or expose such substance to a horse with the intent that it be taken, or cause any foreign substance to be taken by or placed upon or in the body of such horse, with intent to impede or increase its speed, endurance, health or physical or mental condition.

Any person violating the provisions of this section shall be guilty of a felony and, upon conviction thereof, shall be imprisoned for not less than one year nor more than ten years, or fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), or both, in the discretion of the court.

Section 40. Transmission of Racing Information Prohibited. With the exception of television or radio coverage of races authorized in accordance with Section 32 of this Act, it shall be unlawful for any person to transmit or communicate to another by any means whatsoever the results, changing odds, track conditions, or other information relating to any horse race from any racetrack in any sponsoring municipality between the period of time beginning one hour prior to the first race of the day and ending thirty (30) minutes after the posting of the official results of each race, as to that particular race, except this period may be reduced to permit the transmitting of the result of the last race each day not sooner than fifteen (15) minutes after the official posting of such results; provided, however, that each commission may by rule permit the immediate transmission by radio, television (other than television or radio coverage pursuant to Section 32 hereof), or press wire of any pertinent information concerning feature races.

It shall be unlawful for any person to transmit by any means whatsoever racing information to any other person or relay the same to any other person by word of mouth, by signal, or by use of telephone, telegraph, radio or any other means when the information is knowingly used or intended to be used for illegal gambling purposes or in furtherance of such gambling purposes.

Any person violating the provisions of this section shall be guilty of a felony and, upon conviction, shall be imprisoned for not less than one year nor more than ten years, or fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), or both, in the discretion of the court.

Section 41. Possession of Certain Drugs Prohibited. The possession or transportation of any drug or chemical except those permitted by regulations of the appropriate commission within the racing enclosure is prohibited except upon a bona fide veterinarian's prescription with complete statement of uses and purposes on the container. A copy of such prescription shall be filed with the stewards.

Section 42. Misuse of License. Any credential, license or permit issued by a commission, if used by the holder thereof for a purpose other than identification and in the performance of legitimate duties on a racetrack, shall be automatically revoked whether so used on or off a racetrack.

Section 43. Racing under Unregistered Name Prohibited. No person shall knowingly enter or race any horse in any running or harness race under any name or designation other than the name or designation assigned to such horse by and registered with the Jockey Club, the United States Harness Association or other applicable association or knowingly instigate, engage in or in any way further any act by which any horse is entered or raced in any running or harness race under any name or designation other than the name or designation duly assigned by and registered with the Jockey Club, the United States Harness Association or other applicable association.

Section 44. Wagering by Underage Persons Prohibited. No person shall wager on or conduct any wagering on the outcome of a horse race pursuant to the provisions of this Act unless such person be twenty-one years of age or older. No person shall accept any wager from a person under the age of twenty-one years.

Section 45. Exemption from Jurisdiction of State Racing Commission. In the event that a state racing commission shall be created, organized or established at any time, whether before or after the effective date of this Act, each commission created hereunder and all owners and operators licensed thereby shall be exempt from the jurisdiction of such state racing commission and from the force and effect of all laws providing for or relating to such state racing commission for a period beginning with the effective date of this Act and continuing until the end of the fifth (5th) calendar year next succeeding the calendar year in which racing events shall first be conducted under the jurisdiction of such commission created hereunder. It is hereby expressly declared that no act enacted at the session of the Legislature during which this Act is enacted or at any subsequent session shall be construed to effect a repeal or negation of the exemption conferred by this section, whether by implication or otherwise, in the absence of a provision in such act expressly repealing the provisions of this section.

Section 46. Severability. The provisions of this Act are expressly declared to be severable. If any provision of this Act shall be adjudged to be invalid by any court of competent jurisdiction (including, without limitation thereto, any particular allocation of net revenues or other provision which, if not severed from this Act, would cause it to be a local act in violation of any constitutional limitation or condition applicable to local acts), such provision shall be severed from this Act in order to effectuate the legislative intent that such judgment shall not affect, impair or invalidate the remainder of this Act, and the operation of such judgment shall be limited to the provision thereof directly involved in the action in which such judgment shall have been rendered.

Section 47. Provisions of this Act Control. Insofar as the provisions of this Act may be inconsistent with the provisions of any other law concerning activities and actions authorized by this Act, the provisions of this

Act shall control, it being specifically declared that any other provisions of existing law that prohibit or regulate horse racing, gambling or pari-mutuel wagering shall not be applicable to any activities or actions authorized by this Act.

Section 48. Section Captions. The section headings or captions contained in this Act are included for convenience only and should not be considered a part of this Act or affect in any manner the construction or interpretation of this Act.

Section 49. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

The Standing Committee on Local Legislation No. 2 then reported the following amendment to the Committee substitute for the Bill, S. B. 319, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 319

On line 22 page 12 Amend Senate Bill 319 by striking the word mayor or other chief executive officer of the sponsoring municipality and insert "the Lieutenant Governor of the State".

Further amend Senate Bill 319 on line 18 page 13 by striking the mayor or other chief executive officer of the sponsoring municipality and insert "the Lieutenant Governor of the State".

Which was adopted.

And said substitute as thus amended, was then adopted.

Yeas 4; Nays 2.

Yeas:

Senators:	Cabaniss	Foshee	Hilliard	—4
Bennett				

Nays:

Senators:	Amari	Parsons	—2
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The President and Presiding Officer of the Senate declared a quorum present but not voting.

And said Bill, S. B. 319, as amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 3; Nays 2.

Yeas:

Senators:	Bennett	Cabaniss	Hilliard	—3
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Nays:

Senators:	Amari	Parsons	—2
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The President and Presiding Officer of the Senate declared substantially more than a quorum was present but not voting.

Senator Hilliard moved that the Senate reconsider the vote by which the Bill, S. B. 308, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

RESOLUTION

Senator Teague received permission to suspend the Rules in order to

offer the following Senate Joint Resolution, to-wit:

S. J. R. 50. PETITIONING THE PRESIDENT OF THE UNITED STATES TO REESTABLISH OFFICIAL GOVERNMENTAL RELATIONS WITH THE REPUBLIC OF CHINA AND PETITIONING THE CONGRESS OF THE UNITED STATES TO TAKE ANY NECESSARY ACTION TO PROVIDE SPECIFIC SECURITY GUARANTEES FOR THE REPUBLIC OF CHINA.

WHEREAS, the Republic of China is a long-time friend, ally and trade partner of the United States; and

WHEREAS, the Republic of China holds a pivotal, strategic position in Asia and the Western Pacific which is vitally important to the interest and the defense of the United States; and

WHEREAS, the people of the Republic of China enjoy a democratic way of life, a high standard of living and fundamental human rights; and

WHEREAS, continued friendship and trade with the Republic of China is vitally important to the State of Alabama and the United States; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature on behalf of the people of Alabama, petition the President to reestablish official governmental relations with the Republic of China, and that we petition the Congress of the United States to take all necessary actions to provide specific security guarantees for the Republic of China.

RESOLVED FURTHER, That a copy of this resolution be transmitted to the President of the United States, the Speaker of the House of Representatives of the United States and to each member of the Alabama Congressional Delegation.

On motion of Senator Teague, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION IN WRITING

Senator Dixon received permission to suspend the Rules in order to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 212, on page 16 of the Seventh Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 212, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MOTION IN WRITING

Senator Dixon then received permission to suspend the Rules in order to offer the following Motion in Writing, to-wit:

MOTION IN WRITING

Pursuant to the notice in writing given on the last legislative day, I now move that Senate Rule 1 be amended to read as follows:

Rule 1:

(a) The presiding officer shall call for a prayer to be delivered by the

Chaplain of the Day.

(b) The presiding officer shall then call for recitation of the Pledge of Allegiance to the Flag of the United States of America.

(c) The President shall take his chair precisely at the hour to which the Senate has been previously adjourned. He shall call the Senate to order and cause the roll to be called. If there is a quorum present, the Senate shall proceed with the transaction of its business, if there be no quorum present, a lesser number may adjourn from day to day and compel the attendance of absent members, as provided in Rule 39.

On motion of Senator Denton, the Motion in Writing was then referred to the Standing Committee on Rules.

RESOLUTIONS

Senator Teague received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 51. INVITING PRESIDENTIAL CANDIDATE JOHN GLENN TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein extend a most cordial invitation to Presidential Candidate, Mr. John Glenn, to address the Alabama Legislature on March 6, 1984, on which date and at a time to be set, the Legislature shall convene in joint session to hear Mr. Glenn's remarks.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is directed to forward a copy of this resolution to Mr. Glenn, in invitation to address the Legislature and in hopeful anticipation of his acceptance.

On motion of Senator Teague, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Hand offered the following Senate Joint Resolution, to-wit:

S. J. R. 52. MOURNING THE DEATH OF MR. JAMES PARRISH COLEMAN OF FOLEY, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature notes the death of Mr. James Parrish Coleman of Foley, Alabama, on December 21, 1983, at the age of 63 years; and

WHEREAS, born September 21, 1920, in Tom Nolen, Mississippi, Mr. Coleman was educated in the public schools of his native state; and

WHEREAS, Mr. Coleman was a highly decorated United States Air Force veteran with combat service during World War II, and was a veteran as well of the Korean Conflict having served with the 31st Dixie Division as a member of the National Guard; and

WHEREAS, in addition to terms of employment in Mobile, Alabama, and in Memphis, Tennessee, Mr. Coleman operated his own marine hardware business in Fairhope which he later moved to Foley; at the time of his death, however, he was serving as president of Coleman Marine and Hardware, Ltd., a firm he established in 1957; and

WHEREAS, Mr. James Parrish Coleman was indeed a prominent area businessman, and one who also was deeply involved in numerous civic and

community affairs; he was a charter member of the Foley Rotary Club, president of the Retail Merchants Association, vice president of the South Baldwin Chamber of Commerce, member of the Power Squadron, Fairhope Yacht Club, VFW and the American Legion; and

WHEREAS, he further was a member of the Foley United Methodist Church and was actively involved as a member of the Council on Ministries, chairman of both the Official Board and the Board of Trustees, and had served as a lay delegate to the Annual Conference; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. James Parrish Coleman of Foley, Alabama, and extend our very deepest sympathy to his family whose sorrow we truly share.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Coleman's beloved wife, Mrs. Jane Elizabeth Smith Coleman; to their son and daughter, James P. Coleman, Jr., and Mrs. Jane McDuffie, and to other family members whose grief also is ours.

On motion of Senator Hand, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION IN WRITING

Senator Cabaniss offered the following Motion in Writing, to-wit:

MOTION IN WRITING

Notice in Writing having been given on the previous legislative day, motion is now made to amend the Senate Rules as follows:

Strike Senate Rule 62 in its entirety and insert the following:

"RULE 62. No bill shall be reported out of committee by any means without the bill first having been voted on by roll call in the presence of a quorum of the committee in meeting assembled."

Which was read and referred to the Standing Committee on Rules.

RESOLUTIONS

Senator Little offered the following Senate Resolution, to-wit:

S. R. 53. COMMENDING DR. E. D. DONNELLY, FORMER AUBURN UNIVERSITY PROFESSOR.

Which was adopted.

Senator Bennett offered the following Senate Joint Resolution, to-wit:

S. J. R. 54. MOURNING THE DEATH OF BENNETT POWELL SINGLETON.

WHEREAS, Bennett P. Singleton, who served as Alabama's first chief examiner of public accounts, died Friday, February 11, 1984 at age 81; and

WHEREAS, Mr. Singleton served in that capacity from 1940 to 1945 having earlier been state comptroller in 1939; and

WHEREAS, A native of Union Springs, he further served as director of local finance for the Alabama Rural Electrification Administration; and

WHEREAS, Mr. Singleton enlisted in the U. S. Army at age 14 making him the youngest U. S. veteran of World War I when mustered out at age

16. Wounded, he received the Purple Heart for action in the Battle of Muse Argon in France; and

WHEREAS, Mr. Singleton joined the U. S. Veterans Administration early in 1946, initially as fiscal officer for the VA in Montgomery and later in Memphis and Nashville. He retired in 1966 from the VA's Central Office, Department of Medicine and Surgery as supervisory field auditor for the entire VA Hospital System;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature does hereby express its deepest sympathy to Mrs. Mildred Gillis Singleton of Troy in the loss of her husband of 52 years; and

BE IT FURTHER RESOLVED, That copies of this resolution be sent his widow and their two sons, George Singleton and Bennett Gillis Singleton, both of Birmingham.

On motion of Senator Bennett, the Rules were suspended and the Resolution was adopted by the Senate.

Senator deGraffenried offered the following Senate Joint Resolution, to-wit:

S. J. R. 55. CREATING THE TUSCALOOSA COUNTY ELECTED AND APPOINTED OFFICIALS SALARY COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there be and hereby is established in Tuscaloosa County The Tuscaloosa County Elected and Appointed Officials Salary Commission, hereinafter referred to as "The Commission."

The Commission shall be composed of seven (7) members: two members from government; four members from business including: one lawyer, one proprietor, one salary administrator, one personnel manager; and one educator. The Commission members shall be appointed in the following manner: three by the Tuscaloosa City governing body, three by the Tuscaloosa County governing body, and one by the Tuscaloosa County Legislative Delegation.

The chairman shall be selected by the membership and he shall preside over all meetings. The Commission shall make its own rules for the conduct of its business. The initial meeting shall be held within thirty days after the last appointment is made and thereafter at the call of the chairman and within the rules of The Commission. Members of The Commission shall serve without compensation and their terms shall expire on January 1, 1986, at which time The Commission members shall stand discharged from any further duties.

The general purpose of The Commission is to provide information and recommendations regarding salaries and compensation of all elected and appointed city and county officials within Tuscaloosa County. The specific objectives of The Commission shall be prescribed by the Tuscaloosa County Legislative Delegation.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

Senator Dial received permission to suspend the Rules in order to bring up the Bill:

H. 130. To authorize the governing body of Randolph County, Alabama, to levy and collect special county privilege and license taxes, paralleling the state sales taxes provided for in Division 1 of Article I of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended and special county excise taxes paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; to specify the rates at which such taxes may be levied; to provide for the ascertainment, collection, payment, and distribution and use of the proceeds of the said taxes if levied by the said governing body, and for the enforcement of this act by the State Department of Revenue; to specify the maximum duration for which any such taxes may be levied; to provide for the use of said proceeds; to provide that the proceeds of such tax shall be used to pay the cost of constructing, furnishing and maintaining a county jail and/or a county courthouse; to prescribe penalties and fix punishment for violations of this act; to provide for the expiration of those taxes levied and imposed under authority of this act; to make the provisions of this Act retroactive to January 1, 1984; and to provide for the collections of such taxes.

And said Bill, H. B. 130, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Parsons
Aldridge	Cooley	Goodwin	Sanders
Amari	Covington	Hand	Smith (B)
Barron	Denton	Holmes	Smith (J)
Bedford	Dial	Little	Strong
Bedsole	Dixon	Menton	Teague
Bennett	Ellis		

—25

Nays:

—0

Senator Dial then received permission to suspend the Rules in order to bring up the Bill:

S. 218. Relating to Cleburne County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, abolishing the offices of tax assessor and tax collector, repealing conflicting laws; and providing for a referendum thereon.

And said Bill, S. B. 218, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Parsons
Aldridge	Cooley	Goodwin	Sanders
Amari	Covington	Hand	Smith (B)
Barron	Denton	Holmes	Smith (J)
Bedford	Dial	Little	Strong
Bedsole	Dixon	Menton	Teague
Bennett	Ellis		

—25

Nays:

—0

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 63. REQUESTING PRESIDENTIAL CANDIDATE WALTER MONDALE TO ADDRESS A JOINT SESSION OF ALABAMA LEGISLATURE.

On motion of Senator Bishop, the Resolution was then concurred in and adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 45. AUTHORIZING THE JOINT LEGISLATIVE INTERIM COMMITTEE TO STUDY THE ALABAMA AERONAUTICS COMMISSION TO EMPLOY AN INVESTIGATOR.

On motion of Senator Bishop, the Resolution was then adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 60. HONORING THE LATE FRANK P. THOMAS, JR., PROMINENT ALABAMA NEWSPAPER EDITOR AND PUBLISHER.

On motion of Senator Bedsole, the Resolution was then concurred in and adopted by the Senate.

REPORTS OF COMMITTEES

Senator Aldridge, Chairperson of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Aldridge:

S. 48. To amend Section 10-4-109, Code of Alabama 1975, relating to the regulation of rates, charges, fees and dues to be paid by the public for certain health care service plans, so as to require that payments made by such health care service plans to health care facilities shall be made based on charges rather than audited costs.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator deGraffenried:

S. 130. To be known as the "Alabama Nonprofit Corporation Act" revising the laws of Alabama in Title 10 of the Code of Alabama 1975 providing for: definitions; general substantive provisions; formation of nonprofit corporations; amendments; merger, consolidation and sale of assets; dissolu-

tion; foreign nonprofit corporations; provides for fees and miscellaneous charges; and provide powers of probate judge or secretary of state; repealing Chapter 3 (Nonprofit Corporations) Articles 1 through 8 of Title 10 of the Code of Alabama (1975), Chapter 4, Articles 12 and 15 of Title 10 of the Code of Alabama (1975), § 10-4-261 through § 10-4-263; § 10-4-281 through § 10-4-284; and amending § 10-4-260 and § 10-4-280, Code of Alabama (1975).

By Senator Hilliard:

S. 306. Relating to Civil War History; creating a state commission known as the Alabama Institute of Civil War History to be located in Birmingham; providing for a Board of Trustees; and prescribing the method of appointment, its duties and authorities, and providing for employees.

By Senator Hilliard:

S. 278. To amend Section 41-22-3 of the Code of Alabama 1975, relating to the Alabama Administrative Procedure Act, so as to redefine the term "contested case" in order to exclude therefrom hearings or proceedings in which the Alabama Board of Pardons and Paroles considers the granting or denial of pardons, paroles, restoration of civil and political rights, or remission of fines or forfeitures and to further define the term "rule."

By Senator Cooley:

S. 86. To provide for court ordered continuing income withholding by employers as a means of child support enforcement; to provide that such order shall be included as a part of any original judgment or decree for the payment of child support; to provide that such order may be entered after notice and a hearing as a post judgment remedy for the enforcement of delinquent child support amounts in addition to enforcing continuing, prospective child support obligations; to provide for the content of orders entered pursuant to this Act; to provide that income withholding orders shall be binding upon present and successive employers; to provide for the service of orders entered pursuant to this Act upon the employer; to provide for the modification or termination of income withholding orders; to provide for the collection of certain fees for the filing of a petition for an income withholding order and for the collection of certain service fees; to provide that an income withholding order for child support shall take precedence over any other notice of garnishment; to provide that no employer may discharge or refuse to hire a person who is the subject of an income withholding order; to provide that any employer who refuses to comply with the order may be deemed to be in contempt of court; and further to specifically repeal Sections 6-6-490 through 6-6-493, Code of Alabama 1975, relating to garnishments to enforce child support.

By Senator Hand:

S. 146. To amend Section 6-8-40, Code of Alabama, 1975, so as to delete the requirement that clerks of the several circuit courts and registers must subscribe for, take and file in their offices copies of newspapers.

By Senator Langford:

S. 159. To amend Section 11-45-8, Code of Alabama 1975, to include other like codes with those codes listed which may be adopted by ordinance and by reference under the authority and procedures of said section.

By Senator Little:

S. 190. To amend Section 32-5A-154, Code of Alabama 1975, which

prohibits overtaking and passing school busses, so as to increase the penalties for violations.

By Senators Parsons and Strong:

S. 186. To define and regulate health studios and to provide for criminal penalties.

By Senator Foshee:

S. 229. To amend Section 38-2-6.1, Code of Alabama 1975, which provides for the office of state parent locator for the location of absent parents, so as to provide further for said office by providing the office with the authority to locate parents, putative parents, or children in cases of parental kidnapping or child custody disputes and providing that location information may be obtained from the Department of Revenue and private employers.

By Senator Bennett:

S. 244. To provide that support shall be ordered paid directly to the Department of Pensions and Security or its designee in any case where the Department has been subrogated to the rights of a child or other person to collect and receive support payments from the obligor, including but not necessarily limited to those instances in which the child or other person is receiving Aid to Dependent Children, Aid to Families with Dependent Children or has otherwise made application for collection services through the Department pursuant to Title IV-D of the Social Security Act and amendments thereto; provides for the distribution of monies collected; provides for notice to the court of the location and address where monies shall be received; provides for contracting with a designated party; provides that the record of collections shall constitute the official payment record, and shall be prima facie evidence of the payments made by the obligor.

By Senators Goodwin, Covington, Dial, Bedford, Aldridge, Bishop, Holmes, Hand, Cabaniss, Ellis, and Bennett:

S. 257. To amend Sections 13A-12-170, 13A-12-171, 13A-12-172, 13A-12-175, 13A-12-178, 13A-12-179, Code of Alabama, 1975, relating to the sale, exhibition, etc., of pornographic materials to minors; to define and prohibit the display, distribution and exhibition of pornography to minors; to provide for the enjoining of violations of this Act by the circuit courts; to provide for the extradition of persons charged with violations of this Act; to provide for the forfeiture of materials used in violation of this Act; to repeal Sections 13A-12-176 and 13A-12-177, Code of Alabama, 1975; and to provide severability and effective dates.

By Senators Goodwin, Covington, Little, Bedford, Dial, Aldridge, Bishop, Holmes, deGraffenried, Hand, Cabaniss, Strong, Ellis, and Bennett:

S. 258. To amend Code of Alabama 1975, §§ 13A-12-190 through 13A-12-197, relating to child pornography, in order to further define and prohibit child pornography and to further provide for the trial of cases involving it; to specify the cases these amendments apply to; to provide that the provisions of this act are severable; and to provide an effective date.

By Senators Goodwin, Covington, Aldridge, Cooley, Holmes, deGraffenried, Hand, Dial, Cabaniss, Ellis, and Bennett:

S. 259. To define and set the punishment for the crimes of: unlawful distribution of controlled substances in the first, second, and third degree; unlawful possession of a controlled substance in the first, second, and third

degree; unlawful possession of marihuana in the first and second degree; unlawful possession of narcotic paraphernalia; to provide for forfeitures and seizures; to amend Code of Alabama 1975, §§ 20-2-2, 20-2-32, 20-2-72, 20-2-80, 20-2-81, and 20-2-93; to provide for the incorporation of Act No. 82-426, "The Imitation Controlled Substances Act," into this act; to provide for the incorporation of the provisions of this act into Title 13A of the Code of Alabama 1975; to repeal Code of Alabama 1975, §§ 20-2-70, 20-2-73, 20-2-75, and any and all other laws or parts of laws that conflict with this act, insofar as conduct occurring after the effective date of this act is concerned; to provide that this act is supplemental to other laws not inconsistent with this act and shall not be deemed to repeal such laws; to specify the conduct to which this act applies; to provide for severability; and, to provide an effective date.

By Senators Bedford, Goodwin, Denton, Foshee, Covington, Cooley, Menton, Corbett, Little, Dial, Ellis, Hand, Cabaniss, and Bennett:

S. 262. To amend § 36-30-2, Code of Alabama 1975, so as to raise the compensation amount from \$10,000.00 to \$20,000.00 paid to dependents of peace officers or firemen killed in the performance of duty.

By Senators Goodwin, Bennett, Barron, Bedsole, Smith (J), Covington, Little, Ellis, and Corbett:

S. 271. To make the illegal possession of food stamps a criminal offense and to prescribe the punishment for the commission of such crime.

By Senators Smith (J), Goodwin, Dial, Foshee, Barron, Little, Cooley, Hand, Bennett, Amari, Drinkard, Covington, Strong, Bedsole, Aldridge, and Bailey:

S. 272. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said minimum term; and to amend Section 15-22-50, Code of Alabama 1975, which imposes a maximum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said maximum term.

By Senators Smith (J), Goodwin, Dial, Foshee, Barron, Little, Menton, Cooley, Hand, Bennett, Amari, Drinkard, Covington, Holmes, Strong, Bedsole, Aldridge, and Bailey:

S. 274. To amend Section 22-50-22, Code of Alabama 1975, which exempts the superintendent of, or a physician of, the mental health board from being a witness in certain cases, so as to permit depositions to be taken by the state of the superintendent or any physician of a state mental health facility or hospital in criminal proceedings, upon proper notice.

By Senators Smith (J), Goodwin, Dial, Foshee, Barron, Little, Menton, Cooley, Hand, Bennett, Amari, Drinkard, Covington, Holmes, Strong, Bedsole, Aldridge, and Bailey:

S. 275. To amend § 15-22-27 to provide that an inmate whose death sentence was imposed under a statute providing life imprisonment without parole as an alternative punishment for the capital offense shall serve a sentence of life imprisonment without parole if his death sentence is so commuted by the Governor; and to specify the sentences to which this Act applies; to provide what shall be the effect of any holding that such a limitation on parole is ineffective or invalid; and to specify the effective date of this Act.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Ellis (With Amendment):

S. 184. To amend Section 12-14-5, Code of Alabama 1975, which Section relates to the bail of persons charged with violations of municipal ordinances and to amend Section 12-14-70, Code of Alabama 1975, as amended, which Section relates to appeals to the circuit court from judgments of municipal courts; to establish an effective date.

By Senator Bailey (With Amendment):

S. 283. Relating to prescription drugs which are not controlled substances, to prohibit the sale of, giving away of, or furnishing of such drugs and prescribing penalties therefor.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 308. To prohibit for a period of three (3) years from the enactment hereof all legalized pari-mutuel or other forms of gambling in this state, to create a commission to comprehensively study all impacts of the pending legislation relating to gambling, to provide for the duration, composition, meetings, office space, compensation and reporting of said committee.

CHARLES BISHOP,
Chairperson.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 16

S. J. R. 17

S. J. R. 18

S. J. R. 21

S. J. R. 22

S. J. R. 26

S. J. R. 30

S. J. R. 32

S. J. R. 33

JOURNAL OF THE SENATE, 1984
7th Day

Delivered to the Governor, February 28, 1984, at 2:50 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 3:40 P.M., on motion of Senator Foshee, the Senate adjourned until Thursday, March 1, 1984 at 11 o'clock A.M., which motion was adopted.

EIGHTH LEGISLATIVE DAY**THURSDAY, MARCH 1, 1984**

The Senate met pursuant to adjournment, President Pro Tempore Teague presiding.

PRAYER

The Session was opened with prayer by the Reverend Ennis G. Sellers, Pastor, Perry Hill United Methodist Church, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Cooley	Foshee	Mitchem
Aldridge	Corbett	Goodwin	Parsons
Bailey	deGraffenried	Hand	Pearson
Barron	Denton	Hilliard	Sanders
Bedford	Dial	Holmes	Smith (B)
Bedsole	Dixon	Langford	Smith (J)
Bennett	Drinkard	Little	Strong
Bishop	Ellis	Menton	Teague
Cabaniss			

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JOURNAL

On motion of Senator Denton, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Seventh Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator Denton, leave of absence was granted Senators Amari, Covington, and Figures for today.

RESOLUTION

Senators Bailey, Aldridge, and Strong offered the following Senate Joint Resolution, to-wit:

S. J. R. 56. INVITING PRESIDENTIAL CANDIDATE GARY HART TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein extend a most cordial invitation to Presidential Candidate, Senator Gary Hart, to address the Alabama Legislature on March 8, 1984, at 2 p.m., at which time the Legislature shall convene in joint session.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is directed to forward a copy of this resolution to Senator Hart in hopeful anticipation of his acceptance.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 60. HONORING THE LATE FRANK P. THOMAS, JR., PROMINENT ALABAMA NEWSPAPER EDITOR AND PUBLISHER.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 130. To authorize the governing body of Randolph County, Alabama, to levy and collect special county privilege and license taxes, paralleling the state sales taxes provided for in Division 1 of Article I of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended and special county excise taxes paralleling the state use taxes provided for in Article 2 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended; to specify the rates at which such taxes may be levied; to provide for the ascertainment, collection, payment, and distribution and use of the proceeds of the said taxes if levied by the said governing body, and for the enforcement of this act by the State Department of Revenue; to specify the maximum duration for which any such taxes may be levied; to provide for the use of said proceeds; to provide that the proceeds of such tax shall be used to pay the cost of constructing, furnishing and maintaining a county jail and/or a county courthouse; to prescribe penalties and fix punishment for violations of this act; to provide for the expiration of those taxes levied and imposed under authority of this act; to make the provisions of this Act retroactive to January 1, 1984; and to provide for the collections of such taxes.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Bill, the title of which is set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF S. J. R. 56

The Senate proceeded to further consideration of the Resolution, S. J. R. 56.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Coburn, Johnson (Roy), and Holley:

H. 88. To require all tags, plates or attachments on motor vehicles to comply with certain federal standards as relates to reflection properties; to require the revenue department to implement the provisions of this act and to authorize rule and regulation power for such purposes; to provide for an increase in tag or plate costs for passenger automobiles, trucks with a gross weight of 8,000 pounds or less and motorcycles; to provide for the collection, distribution and use of such fees; to provide that this act shall be supplemental to and in pari materia to existing law; and to provide an effective date.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 88. To the Committee on Commerce, Transportation, and Utilities.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Venable, Mitchell, Zoghby, and Campbell:

H. 206. To amend Section 40-21-53 to provide that municipal corporations will also pay the 2.2% utility tax.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message

from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 206. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Adams (With Notice and Proof):

H. 323. Relating to the municipality of Phenix City, Alabama, so as to provide a procedure for the recall of city councilmen; to provide for the filling of offices vacated due to a recall election; to provide for a referendum regarding this act; to provide for implementation procedure and to provide for certain effective dates.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 323 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 323. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Mathis (With Notice and Proof):

H. 263. Relating to Geneva County; providing for election of the members of the county commission from districts to be defined on a population basis by the present commission upon referendum approval by the electors of Geneva County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 263, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Blake (With Notice and Proof):

H. 330. To provide for the salary of the probate judge of St. Clair County and to provide for retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B.

330, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Blake (With Notice and Proof):

H. 331. Relating to St. Clair County; to provide for additional expense allowances for certain county officials.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 331, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 263, 330, and 331. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Black (With Notice and Proof):

H. 28. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Eutaw in Greene County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 28, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Mitchell, Johnson (Roy), Brakefield, and Poole (With Notice and Proof):

H. 209. To authorize the Tuscaloosa County Board of Health to designate the services rendered by the Tuscaloosa County Health Department for which a reasonable fee may be charged. The Tuscaloosa County Board of Health is further required to set a maximum fee for each service. The Tuscaloosa County Health Department may charge and collect such fees. No citizen shall be deprived of any service because that person is unable to pay.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 209, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Turnham and Rice (With Notice and Proof):

H. 356. Relating to Lee County; providing that travel expense allowances for members of the county commission shall be the same per mile as those in effect from time to time for state employees.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 356, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 28, 209, and 356. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Preuitt:

H. 377. Proposing an amendment to the State Constitution relating to Talladega County; to provide for the levy, collection and distribution of a privilege or license tax upon persons and businesses conducting professional sporting contests or events; to provide for the collection of the revenues from said tax; to provide for exemptions; and to provide for penalties for violations.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 377. To the Committee on Local Legislation No. 1.

The above Bill was read a first time at length as required by the Constitution.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 40. COMMENDING THE COLLINSVILLE PANTHERS FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

Also:

S. J. R. 41. COMMENDING MAJOR BOB R. MILNER FOR MERITORIOUS SERVICE WITH THE ALABAMA DEPARTMENT OF PUBLIC SAFETY.

Also:

S. J. R. 42. COMMENDING THE UNIVERSITY OF ALABAMA'S NATIONAL CHAMPIONSHIP CHEERLEADERS.

Also:

S. J. R. 43. MEMORIALIZING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO IMMEDIATELY APPOINT A SPECIAL PANEL, TASK FORCE OR COMMISSION TO STUDY THE ENTIRE JUDICIAL SYSTEM OF THE UNITED STATES.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Black (With Notice and Proof):

H. 239. Relating to Greene County; to provide for the distribution of the tax revenue imposed by the exclusive statewide uniform local tax on beer, to provide for the use of said tax and for the collection and administration thereof, including retirement of debt service or making lease payments to a public corporation (or a combination thereof) for a new Greene County Courthouse, renovating the existing County Courthouse, constructing a new County jail and renovating the existing County jail (or and combination thereof).

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 239, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 239. To the Committee on Local Legislation No. 1.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate Standing Committees, as follows:

By Senator Parsons:

S. 376. To require all interstate natural gas pumping stations to erect and maintain certain fencing around the outer perimeters of the facility and

to set criminal penalties for violating this act.

Committee on Commerce,
Transportation, and Utilities.

By Senator Parsons:

S. 377. To require all interstate natural gas pumping stations to maintain personnel to warn the public of the development of any dangerous situation involving the facility and to provide criminal penalties for violating the provisions of this act.

Committee on Business and Labor
Relations.

By Senator Holmes:

S. 378. To amend sections 8-17-210, 8-17-211, 8-17-217, 8-17-218, 8-17-221, 8-17-222, 8-17-224, 8-17-225 and 8-17-226, Code of Alabama 1975, which provide for the regulation of fireworks in Alabama, so as to revise the definition of "retailer" to include provisions for seasonal retailers; to revise the definition of "distributor" to include provisions for all persons making sales of fireworks for resale; to require all permits to be displayed; to require persons shipping fireworks within the state to apply for permits; to prohibit mail order sales of fireworks; to provide further for permit fees and the distribution of proceeds therefrom; to provide further for the prohibition of the sale of certain fireworks; to provide further for the display of fireworks; to prohibit sales of fireworks to persons under 16, and to provide for the sale of confiscated fireworks.

Committee on Small Business.

By Senators Menton and Bedsole:

S. 379. To exempt from ad valorem taxes all property owned and used by the Mobile Area Chamber of Commerce Foundation, Inc.

Committee on Finance and Taxation.

By Senator Barron:

S. 380. To update Section 40-18-31, Code of Alabama, 1975, which levies and imposes upon every corporation organized under the laws of Alabama a tax on their entire net income so as to allow separate recognition of "Subchapter S Corporations" organized under the laws of Alabama and to provide for pass-through tax treatment to shareholders of said domestic "Subchapter S Corporations" in accordance with similar provisions under federal law.

Committee on Finance and Taxation.

By Senator Parsons (With Notice and Proof):

S. 381. To further amend Section 1 of Act No. 458, H. 1175, Regular Session 1975, Acts of Alabama, as amended, relating to the election of certain assistant county officials in Jefferson County to serve in the branch offices in the City of Bessemer so as to remove the provisions relative to the assistant probate judge.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B.

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381, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Bennett, Menton, and Bledsole:

S. 382. To amend Section 22-30-4 of the Code of Alabama 1975, relating to the regulatory authority of the state department of environmental management over hazardous waste, so to provide further for such authority by providing for certain monitoring teams at disposal sites with such teams being financed by levying certain taxes on operators of such sites and transporters of such waste.

Committee on Commerce,
Transportation, and Utilities.

By Senator Corbett (With Notice and Proof):

S. 383. Relating to Barbour County: Fixing the fee for an issuance of a pistol permit by the Sheriff and providing for the disposition and use of the proceeds therefrom; and repealing all laws or parts of laws in conflict with the provisions of this act.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 383, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Corbett (With Notice and Proof):

S. 384. To authorize the Barbour County Commission to compensate a Clerk in the Sheriff's Office.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 384, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Corbett (With Notice and Proof):

S. 385. Relating to Barbour County: To provide that the Sheriff shall be entitled to the allowance payable by the State for feeding prisoners.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 385, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bailey:

S. 386. To amend Section 26-10-5, Code of Alabama 1975, relating to adoption procedures and rights of natural and adopting parents, so as to provide further for certain rights of natural grandparents of the minor child.

Committee on Student and Youth
Activities.

By Senator Bailey:

S. 387. To provide for the registration of certain persons skilled in the repair, servicing or installing commercial weighing and measuring devices, thereby allowing the removal of condemned tags placed on said devices for the purpose of repair, by said registered service persons or scale mechanics; to authorize the promulgation of rules and regulations by the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries; to provide for yearly registration and renewal upon the payment of \$25.00; to provide for procedures to be followed for revocation, suspension or refusing to renew the registration or refusing to initially register; to provide for hearing before the Commissioner of Agriculture and Industries and appeals before the State Board of Agriculture and Industries.

Committee on Commerce,
Transportation, and Utilities.

By Senator Cooley:

S. 388. To amend the obscenity laws, specifically amending Section 13A-12-151, Code of Alabama 1975, so as to provide for the punishment of obscene communications by telephone made for commercial purposes.

Committee on Judiciary.

By Senator Drinkard:

S. 389. To propose an amendment to Amendment No. 432 of the Constitution of Alabama of 1901, relating to fire protection districts in Etowah County, so as to provide for the levy and collection of additional property tax for fire protection in such districts.

Committee on Constitutional Revision.

The above Bill was read a first time at length as required by the Constitution.

REPORTS OF COMMITTEES

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee:

S. 139. Relating to the Alabama Department of Corrections; to provide a uniform allowance for uniformed correctional officers; and to provide an additional annual continuing appropriation to the Alabama Department of Corrections for such purpose.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Foshee, Goodwin, Teague, Strong, Dial, Covington, Bedsole, Menton, Denton, Cooley, Langford, Drinkard, Corbett, Aldridge and Hand (With Substitute):

S. 185. To amend Sections 12-19-90, 7-9-403, 7-9-404, 7-9-405, 7-9-

406, 7-9-407, 9-11-37, 9-11-47, 9-11-55, 9-11-56, 33-5-10, 33-5-17, 40-12-2, 40-12-15 and 40-12-22, Code of Alabama, 1975, as amended, which relate to the fees and charges for services rendered in the probate offices of this state, so as to provide further for the fees and charges for services rendered in such offices.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Denton:

S. 204. To amend § 12-17-143 so as to provide for a reversion to the General Fund of the State of contributions and interest for which no corresponding liability continues to exist under the Clerks' and Registers' Super-numerary Fund.

By Senator Foshee:

S. 227. To amend Sections 12-17-231 and 12-17-233, Code of Alabama 1975, relating to the Office of Prosecution Services, so as to provide that employees of said office shall be eligible for membership in the state employees' retirement system; to authorize legislative appropriations to the office; and to further define the program of the Office of Prosecution Services.

By Senator Covington:

S. 231. To amend Section 41-16-50, Code of Alabama 1975, relating to the expenditure of public funds for leases or lease purchases; to establish an effective date.

By Senators Bedford, Goodwin, Dial, Smith (J), Hilliard, Corbett, and Ellis:

S. 254. To amend Section 9-2-107, Code of Alabama 1975, relating to the State Park Revolving Fund, so as to provide that up to 2% of said fund may be encumbered each year for use in major repair and maintenance service of land, buildings, and permanent equipment fixed assets; and capital improvements or alteration to land, buildings, or permanent equipment.

By Senators Teague, Goodwin, Aldridge, Covington, Drinkard, Bailey, Bennett, Cooley, Langford, Amari, Denton, Hilliard, Bedford, Corbett, deGraffenried, Figures, and Strong:

S. 300. To provide that the annual state salary payable circuit clerks and registers shall be \$35,000.00 so as to equitably adjust the ratio between said salaries and the salaries of other judicial officers and to appropriate such funds as may be necessary to pay such increase.

By Senator Little:

S. 324. To amend Section 41-19-10 of the Code of Alabama 1975, relating to operation plans or budget management by state agencies/departments generally, so as to provide further for such budget management.

By Senator Little:

S. 351. To exempt the National Conference of State Legislatures and the Council of State Governments from the payment of all state, county and municipal sales and use taxes.

By Rep. Coburn:

H. 177. To amend Sections 25-4-55, 25-4-56, 25-4-57, 25-4-58, 25-4-70, 25-4-75 and 25-4-77, Code of Alabama 1975, as last amended so as to provide that the Special Federal Advance Interest Repayment Fund established by ACT 83-178 will be permanently available as mandated by P. L. 98-21, and to provide for disbursement therefrom, and for discontinuing assessments thereafter when no funds are due or needed; and to provide for disposition of any balances in such fund; to expand the provisions of the Code to provide for denial of benefits during customary vacation periods and holiday or other usual recesses to the same extent as now provided for between term and academic year periods; to provide denial of benefits to employees of certain educational service agencies to the same extent and under the same conditions as now provided for employees of educational institutions; and to define "educational service agencies"; and to exempt from disqualification from receiving benefits individuals whose failure to seek work was due to jury duty as defined herein.

Senator Langford, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Bennett (With Substitute) (With Amendment):

S. 9. To amend sections 17-22-8, 17-22-9 and 17-22-10, Code of Alabama 1975, relating to reporting of contributions and expenditures of political candidates' committees, so as to require all contributions to be made to the committees, to require all committees to report and to require committees of candidates for legislative and statewide offices to file certain additional statements.

Senator Langford, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Smith (J):

S. 89. To amend Section 40-12-271 of the Code of Alabama 1975, relating to the required issuance of motor vehicle licenses so as to require the mailing of written license renewal notices to licensees in advance of the scheduled time for renewal by the responsible county officer.

By Senators Bishop, Parsons, Smith (B), Bedford, Foshee, Covington, Barron, Cooley, Aldridge, Goodwin, Smith (J), Menton, Teague, and Corbett:

S. 223. To repeal Sections 4-2-30, 4-2-31, 4-2-32, 4-2-35, 4-2-35.1 and 4-2-36 of the Code of Alabama 1975, relating to the creation, composition, appointment and function of the Alabama department of aeronautics and the Alabama aeronautics commission, and the powers, duties, qualifications and functions of the director of aeronautics and the assistant director of aeronautics; so as to abolish the Alabama department of aeronautics and the Alabama aeronautics commission and to transfer all duties, powers, responsibilities, authorities and functions thereof to the state highway department; and to establish an aeronautics division of the state highway department; and to create the position of supervisor of the aeronautics division of the state highway department; and to create the aeronautics board to serve in an advisory capacity to the aeronautics division of the

state highway department, and to supervise and authorize all real estate transactions, whether conveyance, lease, or otherwise and to supervise all funds, monies and investments of the aeronautics division of the state highway department, and provide for the appointment, duties and compensation of the board members; to repeal all laws or parts of laws in conflict herewith; and to provide for the effective date of this Act.

By Senator Hilliard:

S. 352. To provide for and create a public corporation for the purposes of flood control to be known as the Alabama Village and Valley Creeks Flood Control Authority. The office of the Authority is to be located in the City of Birmingham; to provide for a board of directors, prescribe the method of appointment, its duties and authorities, and to provide for employees.

Senator Langford, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Cooley (With Amendment):

S. 356. To amend Section 11-3-4.1, Code of Alabama, 1975, as amended, which relates to commissioners' minimum compensation so as to further provide for such compensation and to provide a minimum compensation for revenue commissioners and to further provide for such compensation.

Senator Bailey, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Barron (With Substitute):

S. 73. To amend Sections 9-11-55 and 9-11-56, Code of Alabama 1975, which provides for nonresident annual and trip fishing licenses, so as to increase the fees for said licenses.

Senator Bailey, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Menton:

S. 81. To amend the penalty provisions of certain code sections of Article 2 of Chapter 12 of Title 9, Code of Alabama 1975, specifically Sections 9-12-32 (private reefs), 9-12-33 (culling of oysters), 9-12-42 (oyster replanting), 9-12-45 (terrapians), 9-12-46 (minimum weight of commercial shrimp), 9-12-54.7 (live bait dealers), 9-12-82 (oyster catcher license), 9-12-114 (license for wholesale and retail dealers of fresh saltwater fish), 9-12-116 (inspection of places of business), 9-12-117 (illegal tackle, illegal fishing devices or unlicensed boats or vessels), and 9-12-121 (general penalty provisions of Article 2 of Chapter 12, Title 9), so as to increase the penalties thereof.

By Senator Menton:

S. 121. To amend Section 9-12-113 of the Code of Alabama 1975, as last amended, relating to certain hook and line, net, and seine licenses, so as

to provide that the cost of a commercial hook and line license is \$25.00; to provide for a charge of \$100.00 for purse seine licenses regardless of the size of the purse seines; to require name and license number tags on all nets except purse seines; to delete the definition of nonresident; and to provide that all nets fished in an illegal manner shall be declared a nuisance and shall be subject to condemnation and forfeiture.

By Senator Little:

S. 163. To amend Section 28-6-1, Code of Alabama 1975, which provides for the definition of a native farm winery, so as to provide further for said definition.

By Senator Menton:

S. 213. To amend Section 9-11-54, Code of Alabama 1975, relating to fishing licenses for totally disabled persons, so as to provide for hunting or fishing licenses for totally disabled persons; to omit the license fee; to provide that licenses issued shall be on a continuous basis; to provide that holders may be required to obtain recertification of disability; to provide for the voiding of licenses of holders failing to obtain said recertification; to increase the issuing fee; and to provide that the issuing fee shall be paid into the county treasury under certain circumstances.

By Senator Menton:

S. 214. To provide for the issuance of permits, easements, leases, or like instruments by the Commissioner of the Department of Conservation and Natural Resources relating to the installation of any structure in, on, or over state-owned submerged lands lying seaward of duly established harbor lines.

By Senators Bedford, Goodwin, Dial, Menton, Hilliard, Corbett, and Ellis:

S. 252. To require all persons born on or after October 1, 1971, and of 16 years of age or older to present certification of satisfactory completion of an approved hunter education course at the time of obtaining any annual or trip hunting license provided for in this chapter; to prohibit the issuance of any annual or trip hunting licenses to said persons without said certification; to prohibit hunting by persons born on or after October 1, 1971, and of 16 years of age or older pursuant to any lifetime Alabama hunting license without obtaining said certification; to prohibit the illegal or fraudulent obtaining of said certification; to allow promulgation of a license and/or certification revocation procedure; to allow the Department of Conservation and Natural Resources to prescribe a course of instruction and an instructor certification procedure, and to approve other courses; to provide penalties for violation of this bill.

By Senators Denton and Goodwin:

S. 269. To amend Section 9-11-257, Code of Alabama 1975, as last amended, relating to hunting within 100 yards of roads, highways, or railroads without permission from an adjacent landowner, so as to prohibit any person, except a duly authorized law enforcement officer acting in the line of duty or person otherwise authorized by law, to hunt or discharge any firearm from, upon, or across any public road, public highway, or railroad, or their rights-of-way, logging railroads excepted; and to further prohibit any person to hunt within 100 yards of a public road, public highway, or railroad, or their rights-of-way, logging railroads excepted, with rifle or shotgun using slug or shot larger than standard number four in size, and to

provide penalties for the violation thereof.

By Senators Mitchem, Barron, and Holmes:

S. 342. Relating to the eradication and control of Avian Influenza and other contagious poultry diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1984, to indemnify owners of poultry of all types for the value of any poultry ordered condemned and destroyed for the prevention and eradication of Avian Influenza and other poultry diseases.

By Senators Mitchem, Barron, and Holmes:

S. 343. Relating to findings of the Legislature regarding the disease Avian Influenza; setting the crime of a knowing or wanton violation of laws or regulations pertaining to the control or eradication of Avian Influenza a Class C felony.

By Senators Mitchem, Barron, and Holmes:

S. 344. Relating to the eradication and control of Avian Influenza and other contagious poultry diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1985, to indemnify owners of poultry of all types for the value of any poultry ordered condemned and destroyed for the prevention and eradication of Avian Influenza and other poultry diseases.

By Senator Bailey:

S. 345. To amend Section 2-15-133 which requires licensed livestock dealers to be covered by a bond or bond equivalent in amounts equal to purchases of livestock but in no amount less than \$10,000; to require the filing of verified financial statements; to require full payment of livestock not later than the close of the next business day; to exempt livestock dealers from the requirements of a bond or bond equivalent if they pay for livestock with United States currency, money orders or certified or cashier's checks at the time of purchase.

Senator Smith (J), Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Cabaniss (With Amendment):

S. 85. To amend Section 36-19-41 and Section 36-19-43, Code of Alabama 1975, as amended, so as to provide that the state fire marshal, law enforcement agencies, and insurance companies will make available to each other certain information regarding fire losses of real or personal property.

Senator Smith (J), Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Little:

S. 327. To amend Section 5-2-120, Code of Alabama 1975, which provides for the appointment of the credit union board of the bureau of credit unions and to amend Section 5-2-121 which provides for meetings of the credit union board of the bureau of credit unions.

Senator Holmes, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Holmes:

S. 289. To amend Section 36-7-20 of the Code of Alabama 1975 so as to further provide that the per diem travel allowance for employees stationed at the same place in the state for a period in excess of two consecutive months shall be reduced to an amount equal to \$5.00 less than the regular per diem allowance fixed by the governor.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Parsons (With Amendment):

S. 339. To amend Section 36-25-1 of the Code of Alabama 1975, relating to the code of ethics for public officials and employees, so as to further define public officials and peace officers.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Aldridge (With Substitute):

S. 298. To amend Chapter 7 of Title 32 of the Code of Alabama 1975 commonly known as the Motor Vehicle Safety-Responsibility Act by amending Sections 32-7-5, 32-7-6, 32-7-16 and 32-7-23 thereof so as to increase the amount of property damage which must be sustained to require an accident report to be filed and to provide what the term "uninsured motor vehicle" shall include under the uninsured motorist coverage section of the Motor Vehicle Safety-Responsibility Act, increases the amount of payment on judgments necessary to satisfy the requirements of the Motor Vehicle Safety-Responsibility Act, and to increase the minimum amount of liability required under a motor vehicle liability policy under the Motor Vehicle Safety-Responsibility Act.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (J) (With Amendment):

S. 95. To amend Section 32-5-192, Code of Alabama 1975, relating to implied consent to chemical testing for the purpose of determining the alcohol blood content of persons driving upon the public highways, so as to include testing for controlled substances.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Bailey, Smith (J), Bedsole, Cabaniss, Smith (B), Cooley,

Bennett, Menton, Aldridge, deGraffenried, and Denton:

S. 128. To amend Section 28-3A-25, Code of Alabama 1975, which provides for certain unlawful acts and offenses under the Alcoholic Beverage Licensing Code, so as to further define the offense of sales of alcoholic beverages to minors.

By Senator Cooley:

S. 87. To provide for the enactment of the Alabama Uniform Parentage Act, creating a civil cause of action in the courts of this state for the determination of paternity for the purposes of support and other reasons; to provide for the definition of the parent and child relationship and methods for the establishment of said relationship; to provide for a presumption of paternity; to provide for the jurisdiction of actions to determine paternity and support under this Act in those courts exercising jurisdiction over juvenile proceedings; to provide for the venue and service of process in said proceedings; to provide for the determination of the existence or non-existence of the father and child relationship and when and by whom these actions may be brought; to specifically provide that applicable sections of the Criminal Code shall remain available for the enforcement of a child's right to support; to provide for court-ordered blood tests, the selection of expert witnesses and evidence relating to paternity and the admissibility of such evidence; to provide for court orders determining paternity and the payment of support and the enforcement of such orders by the mother, the child or public authorities furnishing expenses and support; to provide that written agreements for support shall be enforceable by the courts; to provide that any party may be represented by an attorney and that the district attorney, special prosecutor and other attorney authorized to represent the State of Alabama shall prosecute all proceedings under this Act; to provide a statute of limitations for paternity actions under this act; to provide that any interested party may also bring an action to determine the existence or non-existence of the mother and child relationship; to provide for the issuance of a new birth certificate upon a determination of paternity; to further provide for the appeal of judgments rendered pursuant to this Act to the circuit court for a trial de novo and by a jury, if demanded; to provide for the treatment of the husband of a woman who has been the subject of artificial insemination with his consent, as the natural father of a child born thereof; and to specifically repeal Sections 26-12-1 through 26-12-9, Code of Alabama 1975.

By Senators Smith (J), Dial, Foshee, Barron, Little, Menton, Cooley, Hand, Bennett, Amari, Drinkard, Covington, Holmes, Strong, Bedsole, Aldridge, Bailey, and Goodwin:

S. 276. To amend Section 41-16-55, Code of Alabama 1975, which relates to penalties for violations of the state bid law on public contracts, so as to provide that a person who intentionally and knowingly participates in an agreement to bid at a certain price or to refrain from bidding on bids of over \$2,000, is guilty of a Class C felony and shall be punished as prescribed by law and that other violations of this section involving bids of \$2,000 or under shall be deemed a Class A misdemeanor, and shall be punished as prescribed by law.

By Senator deGraffenried:

S. 334. To adopt and incorporate into the Code of Alabama 1975 all general and permanent laws of the State adopted by the Legislature during the 1983 First and Second Special Sessions and the 1983 Regular Session, as

contained in the 1983 Cumulative Supplement to the Code of Alabama 1975 and the 1983 Replacement Volume 17 of the Code, and to make certain corrections in such cumulative supplement and replacement volume.

By Senator Smith (J):

S. 98. To amend Act No. 83-838 of the 1983 Third Special Session of the Alabama legislature relating to reintegration of state prison inmates into society under the Supervised Intensive Restitution Program, so as to further specify the ineligibility of certain inmates convicted of certain crimes to participate in said program.

By Senators Mitchem and Little:

S. 312. To provide further for venue with respect to filing petitions to modify divorce decrees relating to child custody and visitation rights.

By Senators Bedford, Smith (J), Dial, Goodwin, Foshee, Barron, Little, Menton, Cooley, Hand, Bennett, Amari, Drinkard, Covington, Holmes, Strong, Ellis, and Cabaniss:

S. 264. To amend the definitions contained in § 13A-10-30 [in the criminal code article on escape and related crimes] to provide that the failure of an inmate to remain within the limits of his confinement extended pursuant to any work release, trustee, furlough, leave, or pass program or to return within the time prescribed pursuant to such program to the place of confinement is an escape from custody and punishable as such; to provide that the restraint or detention aspect of custody for purposes of escape can be either actual or constructive; to define escape; to specify the conduct to which this act applies; to repeal all conflicting laws or parts of laws insofar as they apply to conduct occurring after the effective date of this act; and to provide an effective date.

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that the following Bill has been placed at the end of the Regular Order Calendar for today, to-wit:

S. 84. To further amend the probate laws so as to clarify certain inconsistencies in portions of the "Probate Code" and probate laws by amending Sections 43-2-230, 43-2-231, 43-2-312, 43-2-313, 43-2-315, 43-2-316, 43-2-336, 43-2-412, 43-2-441, 43-2-442, 43-2-450, 43-2-510, 43-8-114, 43-8-132, as amended and repealing Sections 43-2-314, 43-2-317, 43-2-449, 43-2-466 as amended, of the Code of Alabama.

COMMUNICATION FROM ALABAMA POWER COMPANY

The communication from the Alabama Power Company regarding agreements which have been mandated by the Legislature of the State of Alabama, between retail electric suppliers, in support of S. B. 321, was read and ordered filed with the Secretary.

RESOLUTIONS

Senator Barron offered the following Senate Resolution, to-wit:

S. R. 57. COMMENDING THE NEW APOSTLES OF FYFFE, ALABAMA.

Which was adopted.

Senator Little offered the following Senate Resolution, to-wit:

S. R. 58. COMMENDING MRS. LEE CANNON OF AUBURN, AL-

ABAMA, ON THE OCCASION OF HER RETIREMENT.

Which was adopted.

FURTHER CONSIDERATION OF S. J. R. 56

The Senate proceeded to further consideration of the Resolution, S. J. R. 56.

And said Resolution, S. J. R. 56, was read and referred to the Standing Committee on Rules.

RESOLUTIONS

Senators deGraffenried and Bishop offered the following Senate Joint Resolution, to-wit:

S. J. R. 59. COMMENDING CENTRAL HIGH SCHOOL'S GIRLS BASKETBALL TEAM, STATE 4-A CHAMPIONS.

WHEREAS, the Legislature of Alabama, in consensus of commendation, extends heartiest congratulations to Central High School's Girls Basketball Team, State 4-A Champions; and

WHEREAS, under Head Coach Jim Holland and Assistant Coaches Garland Pounds and Wardell Davis, Central High's Lady Falcons posted a phenomenal 21-2 regular season record, and 26-2 overall including regional and state competition; and

WHEREAS, the Lady Falcons, who claimed the Region 8 crown by virtue of victories over Hueytown and Jess Lanier, advanced to the State Tournament for the fourth time, finishing among the top three teams each of these years, including the 1981-82 and 1983-84 State Championships; and

WHEREAS, this year, the Lady Falcons won the crown by defeating McGill-Toolen in the finals on February 18, 1984, following big wins over Phillips and Austin High Schools in the quarter finals and semi-finals, respectively; the Lady Falcons' three-year record stands at 71-6; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Central High School Lady Falcons of Tuscaloosa, Alabama, State 4-A Basketball Champions.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the coaches and team with copies also provided for appropriate school display.

Which was read and referred to the Standing Committee on Rules.

Senator Bailey offered the following Senate Joint Resolution, to-wit:

S. J. R. 60. INVITING PRESIDENTIAL CANDIDATE GARY HART TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein extend a most cordial invitation to Presidential Candidate, Senator Gary Hart, to address the Alabama Legislature on March 8, 1984, at or about 2 p.m., at which time the Legislature shall convene in joint session.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is

directed to forward a copy of this resolution to Senator Hart in hopeful anticipation of his acceptance.

On motion of Senator Bailey, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown, and as amended has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 51. INVITING PRESIDENTIAL CANDIDATE JOHN GLENN TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Senate concurred in and adopted the following House substitute for the Resolution, S. J. R. 51, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. J. R. 51

INVITING PRESIDENTIAL CANDIDATE JOHN GLENN TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein extend a most cordial invitation to Presidential Candidate Mr. John Glenn, to address the Alabama Legislature on March 1, 1984, on which date and at a time to be set, the Legislature shall convene in joint session to hear Mr. Glenn's remarks.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is directed to forward a copy of this resolution to Mr. Glenn, in invitation to address the Legislature and in hopeful anticipation of his acceptance.

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 6. LEGISLATIVE MEETING DATES.

On motion of Senator Denton, the Resolution was then concurred in and adopted by the Senate.

RECESS

At 11:55 A.M., Senator Teague moved that the Senate take a recess for the purpose of the Joint Session to hear the message of Presidential Candidate John Glenn, and further moved that at the completion of the Joint Session, the Senate reassemble in the Senate Chamber, which motion was adopted.

JOINT SESSION

At 12 o'clock Noon, in accordance with S. J. R. 51, the Senate repaired to the Hall of the House of Representatives for the purpose of hearing the

message of the Honorable John Glenn.

The Session was called to order by Lieutenant Governor Baxley, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, John Glenn was escorted to the Chair and delivered his message to the Legislature of Alabama.

The purpose of the Joint Session having been accomplished, at 12:45 P.M., the Senate reassembled in its chambers and was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

MOTION TO ADJOURN

Senator Denton moved that when the Senate adjourns today, it adjourn to meet again on Wednesday, March 7, 1984, at 11:30 A.M., which motion was adopted.

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

H. J. R. 3. CREATING A JOINT LEGISLATIVE INTERIM COMMITTEE TO STUDY THE STEEL INDUSTRY.

The Standing Committee on Rules then reported the following substitute for the Resolution, H. J. R. 3, to-wit:

SUBSTITUTE FOR H. J. R. 3

CREATING A JOINT LEGISLATIVE INTERIM COMMITTEE TO STUDY THE STEEL INDUSTRY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Legislative Interim Committee to Study the Steel Industry. Said committee shall be composed of six members who shall be appointed from the Legislature. The Speaker of the House shall appoint three members and the Lieutenant Governor shall appoint three members from the House and Senate respectively.

The committee shall meet as soon after their appointment as practical and choose one of their members as chairman and another as vice-chairman.

The committee shall study all aspects due to the merger between the LTV Corporation and Republic Steel Corporation and the possibility of closing the Gadsden plant in the Southern District and the depressed steel industry throughout the nation. This committee shall study the crucial issues facing the steel industry in Alabama and recommend ways in which the State of Alabama can assist the industry to resolve these special problems. The committee's review, while specifically directed to the area of financing and capital formation, environment and imported steel, may include other topics as well. This committee is supported by Republic Steel Corporation.

Upon request of the chairman, the Clerk of the House and the Secretary of the Senate shall provide such clerical assistance as may be necessary for the committee's work. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel

expenses for each day he attends a meeting of the committee, upon warrants drawn on the state comptroller upon requisitions signed by the chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but shall receive their travel expenses as they travel upon the business of the committee within and without the state. The total of such expenses shall not exceed \$20,000.

Senator Denton moved that the Resolution, H. J. R. 3, and pending substitute, be recommitted to the Standing Committee on Rules, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Resolution, H. J. R. 3, and pending substitute, recommitted to the Standing Committee on Rules.

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 58. MOURNING THE DEATH OF FIRE CHIEF DON WILEY AYERS OF REECE CITY, ALABAMA.

Also:

H. J. R. 61. COMMENDING THE THOMASVILLE, ALABAMA, JUNIOR WOMEN'S CLUB FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 65. NAMING THE MAINTENANCE SHOP BUILDING AT THE NORTHPORT NATIONAL GUARD ARMORY THE "GEORGE H. MAYFIELD MAINTENANCE SHOP."

Also:

H. J. R. 68. RECOGNIZING RETIRED POLICE CHIEF WINSTON JONES ORR OF MOBILE, ALABAMA, FOR OUTSTANDING SERVICE.

Also:

H. J. R. 69. COMMENDING MS. BARBARA ELY PRUDHOMME OF MOBILE, ALABAMA.

On motion of Senator Denton, the Resolutions were then concurred in and adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 59. COMMENDING CENTRAL HIGH SCHOOL'S GIRLS BASKETBALL TEAM, STATE 4-A CHAMPIONS.

Also:

S. J. R. 56. INVITING PRESIDENTIAL CANDIDATE GARY HART TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

On motion of Senator Denton, the resolutions were then adopted by the Senate.

RESOLUTION

Senator Drinkard offered the following Senate Joint Resolution, to-wit:

S. J. R. 61. MOURNING THE DEATH OF MR. MICHAEL HENRY McCARTNEY, PROMINENT GADSDEN, ALABAMA, BUSINESSMAN AND CIVIC LEADER.

WHEREAS, the Alabama Legislature grievously mourns the death of Mr. Michael Henry McCartney of Gadsden, Alabama, on January 22, 1984; and

WHEREAS, Mr. McCartney, who was born and reared in Etowah County, was the son of the late Michael Bailey and Alma Childress McCartney; he was the founder of McCartney Construction Company and was a member of the First United Methodist Church, Men's Bible Class, and served as a Trustee and Chairman of the Board of Stewards; and

WHEREAS, Mr. McCartney further was one of his city's most concerned and committed citizens who was deeply involved in numerous civic, charitable and professional affairs within the community; and

WHEREAS, he was a member of the Gadsden Industrial Development Board, immediate past vice-chairman of the State Contractors Licensing Board, regional director of the National Asphalt Pavement Association, past president and honorary life member of Alabama Asphalt Pavement Association, and director emeritus of Alabama City Bank; and

WHEREAS, Mr. McCartney also was a past member of Auburn Engineering Council, past member of the National Board of Auburn Alumni Association and received the Ralph (Shug) Jordan Outstanding Service award of 1982 from the Etowah County Auburn Club; he additionally was a member of the Gadsden Quarterback Club, Gadsden Rotary Club and was a Mason and member of the Zamora Shrine; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mr. Michael Henry McCartney of Gadsden, Alabama, and extend our deepest sympathy to his family, for whom a copy of this resolution shall be provided.

On motion of Senator Drinkard, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and send same herewith to the Senate for its consideration:

By Reps. Johnson (Roy), Cosby, White (F), Box, Turner, Bachus, Beers, Blake, Blakeney, Boles, Bowling, Brakefield, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Carothers, Clark (D), Clark (J), Clark (W), Coburn, Crow, Davis, Drake, Escott, Gaston, Gray, Grimsley, Grouby, Hall, Hammett, Harper, Hooper, Horn, Junkins, Kennedy, Kvalheim, Lauderdale, Lindsey, McDowell, McMillian, McNair, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Onderdonk, Penry, Poole, Pratt, Preuitt, Reed, Rice, Richardson,

Rogers, Seibels, Smith, Spratt, Starkey, Tanner, Thomas, Trammell, Venable, White (G), and White (L):

H. J. R. 75. PETITIONING THE PRESIDENT OF THE UNITED STATES TO REESTABLISH OFFICIAL GOVERNMENTAL RELATIONS WITH THE REPUBLIC OF CHINA AND PETITIONING OF THE CONGRESS OF THE UNITED STATES TO TAKE ANY NECESSARY ACTION TO PROVIDE SPECIFIC SECURITY GUARANTEES FOR THE REPUBLIC OF CHINA.

WHEREAS, the Republic of China is a long-time friend, ally and trade partner of the United States; and

WHEREAS, the Republic of China holds a pivotal, strategic position in Asia and the Western Pacific which is vitally important to the interest and the defense of the United States; and

WHEREAS, the people of the Republic of China enjoy a democratic way of life, a high standard of living and fundamental human rights; and

WHEREAS, continued friendship and trade with the Republic of China is vitally important to the State of Alabama and the United States; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature, on behalf of the people of Alabama, petition the President to reestablish official governmental relations with the Republic of China, and that we petition the Congress of the United States to take all necessary actions to provide specific security guarantees for the Republic of China.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted to the President of the United States, the Speaker of the House of Representatives of the United States and to each member of the Alabama Congressional Delegation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 75, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Browder:

H. J. R. 81. CREATING THE ALABAMA HISTORICAL RECORDS ADVISORY BOARD LEGISLATIVE OVERSIGHT COMMITTEE.

WHEREAS, the Legislature of the State of Alabama recognizes the great importance of identifying, preserving, and using the records which tell the history of the State; and

WHEREAS, the responsibility for the preservation of these records is shared by every citizen, organization, and agency in Alabama, but is a primary responsibility for archives, historical societies, and the manuscript repositories of libraries; and

WHEREAS, the Alabama Historical Records Advisory Board has been established by Governor George Wallace to help coordinate the efforts and improve the effectiveness of these archives, historical societies, and manuscript repositories in the preservation of our documentary heritage; and

WHEREAS, the Alabama Historical Records Advisory Board has received a grant from the National Historical Publications and Records Commission to conduct a detailed analysis of the condition and needs of historical records programs in Alabama for the areas of state government records, local government records, manuscripts, and cooperative records preservation programs; and

WHEREAS, the Legislature of the State of Alabama desires to be better informed about the effectiveness of the programs, many of which are supported with public funds that have been established to preserve Alabama's historical records; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of the State of Alabama does hereby establish the Alabama Historical Records Advisory Board Legislative Oversight Committee to investigate the condition of historical records preservation programs in the State of Alabama by participating in and analyzing the findings of the Historical Records Advisory Board's Assessment Project, and that this committee work with the Historical Records Advisory Board to develop ways to improve the identification, preservation, and use of the historical records resources of this State.

BE IT RESOLVED FURTHER, That the legislative oversight committee hereby created shall consist of three members of the Senate appointed by the Lieutenant Governor and three members of the House appointed by the Speaker.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 81, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Drake and Bowling:

H. J. R. 76. COMMENDING MR. N. F. PLUNKETT, JR., NATIONAL TRUCK DRIVER OF THE YEAR.

Also:

By Reps. Horn and Biddle:

H. J. R. 77. COMMENDING THE ALABAMA ASSOCIATION OF NATIONAL HONOR SOCIETY.

Also:

By Rep. Onderdonk:

H. J. R. 78. DESIGNATING "SPECIES BASILOSaurus CE-
TOIDES," THE ANCIENT WHALE FOSSIL AS THE OFFICIAL ALA-
BAMA FOSSIL.

Also:

By Rep. Browder:

H. J. R. 79. COMMENDING JACKSONVILLE STATE UNIVER-
SITY COACH JIM FULLER.

Also:

By Reps. Laird, Fuller, and Rice:

H. J. R. 82. MOURNING THE DEATH OF JUDGE O. D.
ALSOBROOK OF LAFAYETTE, CHAMBERS COUNTY, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 76 and 77, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

On motion of Senator Bedsole, the Rules were suspended and the Resolution, H. J. R. 78, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Holmes, the Rules were suspended and the Resolution, H. J. R. 79, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Senator Denton, the Rules were suspended and the Resolution, H. J. R. 82, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 22. To amend the "Hazardous Waste Management Act of 1978," as amended, specifically amending Sections 22-30-3, 22-30-12, 22-30-13, 22-30-15, 22-30-16, 22-30-17, 22-30-18, 22-30-19 and 22-30-21, Code of Alabama 1975, so as to clarify the definition of disposal and add a definition of transporter; ensure that the Alabama Department of Environmental Management (ADEM) has sufficient time to review permit applications prior to approval or disapproval; more fully define the responsible party for permit issuance; require that out-of-state shipments of hazardous waste be transported to and disposed of at only those facilities which have been approved by the United States Environmental Protection Agency (EPA) or a state pursuant to a hazardous waste management program approved by EPA; clarify the Alabama program's authority to promulgate transporter regulations to protect human health and the environment; clarify the application of trade secret protection; clarify and enlarge the penalties section by amending the civil monetary penalties section, eliminating duplicate crimi-

nal liability provisions and clarifying the state's authority to require correction of violations; provide that the 90-day exemption relating to the storage of hazardous waste applies only to on-site storage by the generators of such waste; provides for further regulation of certain transporters; and allow the substitution of proper shipping papers for the manifest for certain transporters.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Dutton (With Notice and Proof):

H. 399. Relating to Lawrence County; to amend Act No. 79-84, H. 48, 1979 Regular Session (Acts 1979, p. 109), which act provides for an expense allowance for the county coroner, so as to provide further for said allowance.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 399 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Dutton (With Notice and Proof):

H. 400. Relating to Lawrence County; to provide that the sheriff shall be entitled to the allowances payable by the State, counties and municipalities for feeding prisoners; and to provide that the provisions of this Act shall have retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 400 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Mitchell (With Notice and Proof):

H. 417. To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Pickens County, Alabama, which are used for timber growing purposes, to provide protection against forest fires, insects, disease and other pests within Pickens County; to provide for a referendum on the question and prescribing the procedure for the collection of such assessments.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 417 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

- H. B.'s 399, 400, and 417. To the Committee on Local Legislation No. 1.

MOTION IN WRITING

Senator Holmes offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 18, on page 37 of the Eighth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 18, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

Senators Bedsole and Corbett offered the following Senate Joint Resolution, to-wit:

S. J. R. 62. DIRECTING THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF HEALTH TO IMPLEMENT THE PROVISIONS OF SECTION 16-29-1, CODE OF ALABAMA 1975.

WHEREAS, the Legislature recognizes that the condition known as scoliosis, a lateral curvature of the spine commonly appearing in adolescents, can develop into a permanent crippling disability if left untreated; and

WHEREAS, early diagnosis and referral, however, can often result in the successful treatment of this condition, thereby greatly reducing the need for major surgery; and

WHEREAS, the highest risk group for the development of scoliosis encompasses the ages 11 through 14 or our state's junior high school aged students; and

WHEREAS, despite the fact that Section 16-29-1, Code of Alabama 1975, specifically provides that the Department of Education and the State Board of Health shall, in conjunction, arrange for the examination of all public school students in Alabama for a number of physical defects and diseases including "any deformity or dislocation of the hip joints or spinal disease," no screenings for scoliosis have been or are currently being conducted as required by said law; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby direct the Department of Education and the State Board of Health to immediately implement procedures for examination of all public school students, ages 11 through 14, for the purpose of detecting the development of scoliosis and for referring those children with positive screenings to a trained medical professional.

BE IT FURTHER RESOLVED, That said screenings shall begin with the 1984-1985 school year and shall be phased in over a period of five years after the effective date of this resolution.

RESOLVED FURTHER, That copies of this resolution be forwarded

to the State Department of Education and to the State Board of Health that immediate steps may be taken to comply with this directive of the Alabama Legislature and the provisions of Section 16-29-1, Code of Alabama 1975.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Motion in Writing and ordered same returned to the Senate with a favorable report, to-wit:

MOTION IN WRITING

Pursuant to the notice in writing given on the last legislative day, I now move that Senate Rule 1 be amended to read as follows:

Rule 1:

(a) The presiding officer shall call for a prayer to be delivered by the Chaplain of the Day.

(b) The presiding officer shall then call for recitation of the Pledge of Allegiance to the Flag of the United States of America.

(c) The President shall take his chair precisely at the hour to which the Senate has been previously adjourned. He shall call the Senate to order and cause the roll to be called. If there is a quorum present, the Senate shall proceed with the transaction of its business, if there be no quorum present, a lesser number may adjourn from day to day and compel the attendance of absent members, as provided in Rule 39.

On motion of Senator Dixon, the Motion in Writing was then adopted by the Senate.

RESOLUTIONS

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 63. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the eighth legislative day of the 1984 Regular Session only:

Inst Id		Page
S. 175	Municipalities of 6,000 or more, city clk., and city treasurer not req. to be res. of city, Sec. 11-43-3 am'd.	10
S. 201	Soybeans, promotion of, reg.	22
S. 11	Real Estate Commission, add'l approp.	4
S. 285	State Treasurer, auth. use check writing machine, add'l. employees, duties alt.	32

S. 287	State Warrants; amending Code Section 36-17-16 to allow the destruction of cancelled state warrants after one year instead of three.	33
S. 129	Dietitians, licensing reg.	15
S. 137	Oil and Gas Bd., memb. incr., Secs. 9-17-3, 9-17-4, am'd.	19
S. 158	Electric co-ops, exempted from unclaimed property act.	19
S. 143	"Voter Registration Day" estab., certain Probate and Co. officials and empl. and high school and college officials desig. deputy reg.	9
S. 202	Common Carriers, Publ. Serv. Comm. auth. to grant intrastate charter rights to certain carriers.	20
S. 82	Nuisance, casting spotlight from vehicle, Sec. 32-5-17 am'd.	21
S. 314	Public Education Employees' Health Insurance Board, any approp. to fund uniform ins. plan shall also incld. approp. to partially cover insuring retired employees	26
S. 306	Civil War History Commission, estab.	42
S. 86	Child support; court ordered income withholding to enforce support orders; 6-6-490 through 6-6-493 repealed.	43
H. 159	BUDGET ISOLATION ACT, REPEALED ACT 81-889, 1981 FIRST SPEC. SESS., REPEALED	25
S. 219	Pool tables, prohib., re: operating outside corp. limits removes, Sec. 34-6-8 am'd.	32
S. 17	Small Bus. Assistance Advisory Council, Leg. membership incr. Sec. 25-10-6 am'd.	37
S. 299	Teaching, amt. of actual in scholastic day, mandated, Sec. 16-1-1 am'd.	25

On motion of Senator Denton, the Resolution was adopted by the Senate.

Senator Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 64. COMMENDING THE PARTICIPANTS IN THE ALABAMA STATE GYMNASTICS CHAMPIONSHIPS.

WHEREAS, the Alabama State Gymnastics Championships will be held in Prattville, Alabama, March 31-April 1, 1984, featuring some 70 young lady gymnasts from across the state seeking to advance to regional competition; and

WHEREAS, the Alabama Legislature notes with commendation that those competing were required to qualify for the state meet by achieving a standard score in sectional qualifying meets held during the season; and

WHEREAS, in order to advance to regional competition, Class I (advanced gymnasts) must score a minimum of 68.8 in eight events with Class II (intermediates) competitors attaining a minimum 65.0 score; and

WHEREAS, in addition to individuals, team competition also will be held in both Class I and Class II; competing for the titles will be teams from Prattville, Tuscaloosa, Birmingham, Huntsville, Dothan, Selma, Florence, Mobile, Enterprise and Montgomery; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend the talented and accomplished young lady gymnasts who, by fulfilling previous stringent requirements, have qualified to participate in the Alabama State Gymnastics Championships.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 65. COMMENDING MR. DONALD H. PATTERSON, PROMINENT FLORENCE, ALABAMA, ATTORNEY.

Also:

S. R. 66. COMMENDING DR. CHARLES DAVID PRITCHARD OF FLORENCE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

S. R. 67. COMMENDING MR. G. OLEN GREEN OF MUSCLE SHOALS, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND COMMUNITY INVOLVEMENT.

Also:

S. R. 68. COMMENDING DR. O. E. CORFMAN OF FLORENCE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND COMMUNITY INVOLVEMENT.

Also:

S. R. 69. COMMENDING MR. STANLEY R. NEWTON OF FLORENCE, ALABAMA.

Also:

S. R. 70. COMMENDING DR. DANIEL W. PIERONI OF SHEFFIELD, ALABAMA.

Also:

S. R. 71. COMMENDING MR. ROY MILLER, PROMINENT FLORENCE, ALABAMA, BUSINESSMAN AND CIVIC LEADER.

Which were read and referred to the Standing Committee on Rules.

Senator Smith (J) then offered the following Senate Joint Resolution, to-wit:

S. J. R. 72. CREATING THE LIMESTONE COUNTY EDUCATIONAL TASK FORCE.

WHEREAS, the citizens of Limestone County realize that a quality education for today's youth is essential to the future vitality of the county and state; and

WHEREAS, Limestone County citizens are concerned with the equitable distribution of revenues between the county and city school systems; and

WHEREAS, the community wishes to investigate the feasibility and desirability of consolidating all the school systems in the county; and

WHEREAS, funding and additional revenues for all county schools should be studied and discussed; and

WHEREAS, it is the fundamental and constitutional responsibility of this legislative body to improve the educational quality of public schools; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Limestone County Educational Task Force. The Task Force shall be composed of thirty members who shall serve as volunteers without pay or reimbursement for expenses. The following shall be ex officio members: The superintendents of the Athens and Limestone County School Systems, the Mayor of the City of Athens, the Chairman of the Limestone County Commission, the State Board of Education member representing the district containing Limestone County, and one person appointed by the President of Calhoun Community College, who is employed in either admissions or counseling. Said community college representative shall provide comparisons of the quality of students received from the two respective school systems. The Task Force shall also have twelve members appointed by the Limestone Senate delegation and twelve by the Limestone House of Representatives delegation. The twelve members appointed by the House delegation shall be agreeable to all members of the delegation. Of the 24 legislative appointments, there shall be appointed two accountants with governmental accounting experience, two classroom teachers, two school principals, two individuals with graduate degrees in public administration, two individuals with either Ed.D. or Ph.D. in education, preferably Ph.D., two local librarians, two PTA or PTO presidents, and ten private citizens. Said private citizens and their spouses shall not be employees of any state or local government entity. The appointing authority shall notify the appointees and the chairman of the county commission of said appointments.

The Commission's charter shall be to study the following: The advantages and disadvantages of consolidating the Athens and Limestone County School Systems, the equity of the division of taxes between the Athens and Limestone County School Systems, the possible need for additional local revenue for education, possible needed curriculum changes and additional course offerings, methods of ending excessively overcrowded classrooms, determining the most critical capital needs for both systems, developing long-range planning, any other area of local education that the Task Force determines needs studying at its initial organizational meeting.

The following governmental agencies and institutions shall assist the Task Force: the Alabama Regional Council of Governments, Athens State College, Calhoun Community College, the Athens and Limestone County school boards, the Legislative Reference Service, the Legislative Fiscal Office, the Attorney General's Office, and the State Department of Education. The Task Force is urged to seek information from these agencies and institutions as well as the U.S. Department of Education.

The Chairman of the Limestone County Commission shall serve as a temporary chairman of the Task Force for the purpose of establishing the time and place and initial organizational meeting. The chairman of the County Commission shall notify all members of the Task Force of the initial meeting. The first order of business at the initial meeting shall be the election by simple majority vote of one of the members to serve as chairman. Unless the Task Force deems otherwise by majority vote, it shall use Roberts Rules of Order as rules of procedure. At the end of each meeting of the Task Force, the date, time and place of the next meeting shall be determined by majority vote. The chairman shall have the power to call special meetings. A quorum shall be a majority of the members of the Task Force.

Subcommittees shall be formed to deal with each separate area of study. Each member of the Task Force can volunteer to serve on whichever committee he desires, provided however, that each member can serve on no more than two subcommittees. The chairman shall make necessary appointments to the subcommittees. The subcommittees shall meet briefly after the initial organizational meeting and shall elect one of their members as subcommittee chairman. The subcommittee chairman shall set a time and place for subcommittee meetings. The chairman of the Task Force shall establish deadlines for each subcommittee to issue its report to the overall Task Force. The report of each subcommittee must be approved by a vote of the full Task Force, who has the authority to modify the subcommittee report in any manner it deems necessary. The full Task Force shall issue a written report of its findings to the Limestone Legislative Delegation no later than June 4, 1984.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate.

S. 248. Relating to Cullman County; to amend the title and Section 1 of Act No. 515, S. 755, 1977 Regular Session (Acts 1977, p. 681), which deals with "flea" markets operating on Sunday, so as to provide for nurseries and other businesses to operate on Sundays during certain business hours and providing that the provision of subsection (c) of Section 1 of this Act relating to businesses other than nurseries shall not become effective until approved at a referendum election held for such purpose.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Cooley, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 248, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 248

Amend S. B. 248, page 2, Section 1, line 3 after the word "County" by changing the semi-colon to a period and by striking the remainder of line 3, lines 4 through 8 in their entirety and the following on line 9

~~paid into the general fund of Cullman County.~~

Further amend S. B. 248, page 2, Section 1 (c), line 18 after the word "shopkeepers" by inserting the following: , not otherwise allowed to open on Sunday.

Yeas 25; Nays 0.

Yeas:

Senators:	Bishop	Foshee	Mitchem	
Aldridge	Cooley	Goodwin	Pearson	
Bailey	Denton	Hand	Sanders	
Barron	Dial	Holmes	Smith (B)	
Bedford	Dixon	Little	Strong	
Bedsole	Drinkard	Menton	Teague	
Bennett	Ellis			—25

Nays: —0

BILLS ON THIRD READING

The Bill:

S. 236. Relating to Jefferson County; providing for the salary of the Assistant Tax Assessor payable from the County General Fund.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Menton	
Aldridge	Cooley	Foshee	Parsons	
Bailey	Corbett	Hand	Pearson	
Barron	Denton	Hilliard	Sanders	
Bedsole	Dial	Holmes	Strong	
Bennett	Dixon	Little	Teague	
Bishop	Drinkard			—25

Nays: —0

The Bill:

S. 237. Relating to Jefferson County; providing for an expense allowance for the Assistant Tax Assessor payable from the County General Fund and for an expiration date.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Barron	Bishop	Corbett
Aldridge	Bedsole	Cabaniss	Denton
Bailey	Bennett	Cooley	Dial

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Dixon	Hand	Menton	Sanders	
Drinkard	Hilliard	Parsons	Strong	
Ellis	Holmes	Pearson	Teague	
Foshee	Little			—25
Nays:				—0

The Bill:

S. 239. Relating to Jefferson County; providing for an expense allowance for the Assistant Tax Collector payable from the County General Fund and for an expiration date.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Menton	
Aldridge	Cooley	Foshee	Parsons	
Bailey	Corbett	Hand	Pearson	
Barron	Denton	Hilliard	Sanders	
Bedsole	Dial	Holmes	Strong	
Bennett	Dixon	Little	Teague	
Bishop	Drinkard			—25
Nays:				—0

The Bill:

S. 234. Relating to Jefferson County; providing for the salary of the Assistant Tax Collector payable from the County General Fund.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Menton	
Aldridge	Cooley	Foshee	Parsons	
Bailey	Corbett	Hand	Pearson	
Barron	Denton	Hilliard	Sanders	
Bedsole	Dial	Holmes	Strong	
Bennett	Dixon	Little	Teague	
Bishop	Drinkard			—25
Nays:				—0

Senator Denton received permission to suspend the Rules in order to bring up the Bill:

S. 256. Relating to Civil Rights' History; creating a state agency known as the Alabama Institute of Civil Rights' History to be located in Birmingham; providing for a Board of Trustees; and prescribing the method of appointment, its duties and authorities, and providing for employees.

On motion of Senator Hilliard, further consideration of the Bill, S. B. 256, was postponed temporarily.

SPECIAL ORDER**BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 175. To amend Section 11-43-3, Code of Alabama 1975, to eliminate the requirement that the city treasurer and the city clerk in municipalities of more than 6,000 inhabitants must be a resident of the city but providing that the council may, by ordinance, require that such officers be residents of the city.

On motion of Senator Ellis, further consideration of the Bill, S. B. 175, was postponed subject to the call of the Chair.

The Bill:

S. 201. Relating to the promotion of the production, research, distribution, marketing, use, improvement and sale of soybeans and soybean products; to amend Section 2-8-89 of the Code of Alabama 1975, to provide that the assessment levied upon the sale of soybeans shall not exceed two cents per net bushel after deductions for foreign material on any soybeans sold by producers.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Holmes	Smith (B)	
Bedsole	deGraffenried	Langford	Smith (J)	
Bishop	Denton	Little	Strong	
Cabaniss	Dial	Menton	Teague	
Cooley	Hilliard	Mitchem		—18

Nays:

—0

FURTHER CONSIDERATION OF S. B. 256

The Senate proceeded to further consideration of the Bill, S. B. 256.

Senator Hilliard offered the following substitute for the Bill, S. B. 256, to-wit:

SUBSTITUTE FOR S. B. 256**A BILL
TO BE ENTITLED
AN ACT**

Relating to Civil Rights' History; creating a state commission known as the Alabama Institute of Civil Rights' History to be located in Birmingham; providing for a Board of Trustees; and prescribing the method of appointment, its duties and authorities, and providing for employees.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created and established a commission of the state to be known as the Alabama Institute of Civil Rights' History which shall be permanently located in the City of Birmingham, Alabama. The purpose and function of the institute shall be to gather historical arti-

facts, pictures, books, films and any other materials on Alabama and about the quest of civil rights in America and the South. The institute will be charged with collecting and preserving information related directly and indirectly to the civil rights movement.

Section 2. The Alabama Institute of Civil Rights' History shall be divided into two areas:

(a) The first area shall serve as a Civil Rights' Museum, and

(b) The second area shall serve as a Civil Rights' Library where scholars can study, research and write about the civil rights movement, its past, present and future; and its impact upon our past, present and future.

Section 3. The Alabama Institute of Civil Rights' History shall be under the control of a Board of Trustees, which shall consist of ten trustees; three trustees shall be chosen for six-year terms commencing with their appointment by the Birmingham City Council; one trustee each for four-year terms commencing with their appointment by each of the following colleges: Birmingham Southern, Jefferson State, Lawson State, Miles College and the University of Alabama at Birmingham; and one trustee for a two-year term commencing with the appointment by the Jefferson County Senate Delegation; and one trustee for a two-year term commencing with the appointment by the Jefferson County House Delegation. Upon completion of the initial staggered terms, all subsequent appointments of trustees shall be by the same method, except they shall be for terms of four years.

Section 4. The trustees shall select a chairman of the board and a vice chairman of the board from among their own number. The trustees shall not be compensated for their services, but each member shall be entitled to reimbursement for expenses incurred furthering the objectives of the commission. The Board of Trustees shall meet quarterly and at such other times as its rules and regulations may prescribe. A majority of the members shall constitute a quorum for transaction of business.

Section 5. The Board of Trustees, in addition to other powers, shall have the right, power and authority to acquire, in the name of the Alabama Institute of Civil Rights' History, by purchase, lease, agreement, license, condemnation, or otherwise, the fee simple interest in and to land in the City of Birmingham, Alabama, for the purpose of developing, preserving, improving, protecting or maintaining same as a Museum, which shall include a Civil Rights' Museum and a Civil Rights' Library, and to accept, in fee or otherwise, lands donated, entrusted, conveyed or devised for like purposes in said city. And it may contract and make cooperative agreements with the Federal Government and its agencies, with municipalities, corporations, associations, partnerships or individuals for the purpose of acquiring, planning, establishing, developing, utilizing, operating, protecting, or maintaining such Museum and Library.

Section 6. The Board of Trustees may solicit and accept donations, contributions and gifts of money and property. All gifts made to the board or institute shall be exempt from all taxation in Alabama. All property, money, income, resources, and activities of the board shall likewise be exempt from taxation.

Section 7. The Board of Trustees may hire such laborers, artisans, caretakers, technicians, stenographers and administrative employees and supervisory and professional personnel as may be necessary or advisable for the carrying out in the most efficient and beneficial manner the purposes and provisions of this act.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are hereby repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Cooley	Hilliard	Mitchem	
Bailey	Denton	Holmes	Smith (J)	
Barron	Dial	Langford	Strong	
Bishop	Foshee	Little	Teague	
Cabaniss	Hand	Menton		—18

Nays: —0

And said Bill, S. B. 256, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 18; Nays 0.

Yeas:

Senators:	Cooley	Hilliard	Parsons	
Bailey	Corbett	Holmes	Smith (J)	
Barron	Denton	Little	Strong	
Bedsole	Foshee	Menton	Teague	
Cabaniss	Hand	Mitchem		—18

Nays: —0

The Bill:

S. 11. To make an additional appropriation to the Alabama Real Estate Commission from the Alabama Real Estate Commission Fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1984.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Hand	Parsons	
Barron	deGraffenried	Holmes	Smith (J)	
Bedsole	Denton	Langford	Strong	
Cabaniss	Dial	Little	Teague	
Cooley	Foshee	Mitchem		—18

Nays: —0

The Bill:

S. 285. To amend Section 36-17-3 of the Code of Alabama 1975, relating to the duties and functions of the state treasurer.

was taken up.

Senator Little offered the following substitute for the Bill, S. B. 285, to-wit:

SUBSTITUTE FOR S. B. 285

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 36-17-3 of the Code of Alabama 1975, relating to the duties and functions of the state treasurer.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-17-3, Code of Alabama 1975, is hereby amended to read as follows:

“§ 36-17-3.

“The powers, functions and duties of the treasurer shall be:

“(1) To receive all moneys due the state and deposit them in the proper accounts.

“(2) To perform the functions and duties now authorized by law with respect to state depositories.

“(3) To pay all warrants duly executed by the comptroller, and to pay for funds electronically transferred by the comptroller in accordance with Section 41-4-50, Code of Alabama 1975, upon the determination that there is sufficient money for the payment thereof in the funds upon which they are drawn. No warrant executed by any other person shall be honored. All checks drawn on the state funds shall be signed by the treasurer, or the chief clerk in the office, and countersigned by the special assistant in the office of the treasurer, who is appointed by the treasurer with the approval of the governor. Another employee may be designated by the treasurer, with the approval of the governor, to countersign checks in the absence of the special assistant. These signatures must be originals or facsimiles created by a controlled check signing machine. No checks shall be honored unless so signed and countersigned.

“(4) To take receipts for all payments, to file such receipts and warrants, to number same in chronological order for each fiscal year and to keep account of the receipts and expenditures of the public money.

“(5) To particularly enter in his books the amounts of money he receives for taxes, licenses or on any other account of the state, so that the net receipts of the whole revenue as well as of every branch thereof and the amounts of disbursements shall distinctly appear.

“(6) To give information, in writing, to the legislature or either house thereof or to the governor when required, reporting all matters pertaining to his office.

“(7) To pay the principal and interest on the state debt and for the purpose of paying the interest on the bonded indebtedness of the state, and it is his particular duty to conform in all respects to the requirements of the law as set forth in this chapter.

“(8) To have the custody of, and keep safe, all moneys, bonds, and other securities held in any sinking fund for the payments of bonds of the

state and to do and perform such other duties with reference to state bonds and their redemption as are now, or may be, required by law.

“(9) To have the custody of, and to keep safe, all moneys, bonds, mortgages and other securities required or permitted by law to be deposited with the state or any officer thereof, by any bank, trust company, insurance company, mutual aid or benefit association or other person or corporation, and also all securities held by the state, including those held for the account of any sinking fund (including those heretofore in the custody of their sinking fund commission). All such moneys, bonds, mortgages and other securities shall be guarded at all times by a bonded officer or employee while in the office of the treasurer and shall, upon receipt, be deposited in a burglar proof and fireproof vault by the treasurer. Until the state shall have acquired an adequate burglar proof and fireproof vault, the combinations to which shall be known only to the treasurer and an adequately bonded employee, all such bonds, mortgages and other securities shall be kept in safety deposit boxes or vaults in one or more banks or trust companies approved for that purpose by the treasurer. In any event, however, whether any vault shall have been acquired by the state or not, when requested by any depositor, the treasurer may authorize the deposit of any money, bonds, mortgages or other securities by such depositor with a bank or trust company in the state of Alabama to be held in its safety deposit boxes or vaults, or securities pledged to secure state funds may be held in the vault of any bank insured by the Federal Deposit Insurance Corporation and located in a federal reserve bank city, which bank or trust company shall have been approved in advance by the treasurer and which shall have executed with the treasurer a contract with respect to the safekeeping of such money, bonds, mortgages or other securities, and the substitution thereof of other money, bonds, mortgages or other securities. Such contract shall be approved in writing by such depositor. Any charges in connection with such deposit shall be paid by such depositor. The treasurer shall not be personally liable for the loss of money, bonds, mortgages or other securities so deposited if he shall have used reasonable precaution in approving such bank or trust company. When, in the opinion of the governor, it is considered necessary, the treasurer shall be required to give an additional bond in such a sum as is determined by the governor, the premium thereon to be paid from the state treasury.

“(10) To serve as a member of the state board of adjustment and of the other boards and commissions of which he is by law made a member.

“(11) To have access to all records and accounts relating to receipts and disbursements of the state treasury in any other department, board, bureau, commission, agency or office of the state, to enable him the better to perform the functions and duties required of him by the Constitution and laws of the state and protect himself in the performance of those functions and duties.

“(12) To make such reports as are required by the Constitution, which reports shall, however, be printed and bound with, and as a part of, the annual financial report of the state prepared by the department of finance and to make such other reports as may be required by the governor or the legislature.

~~“(13) -- To pay salary warrants issued to state officers and employees semi-monthly and to pay pension warrants issued to the widows of Confederate soldiers and sailors monthly.--~~

“(14) (13) To furnish to the comptroller, on or before the tenth day of

each month, a list of all outstanding warrants existing at the end of the month next preceding and from the beginning of the fiscal year as shown by the records of the treasurer's office.

"(15) (14) To take out security insurance for the safekeeping bonds, robbery insurance, burglary insurance, or such other insurance as may be deemed necessary for the safeguarding of money and security, the premiums thereon to be paid from the state treasury.

"(16) (15) To perform such other duties as are, or may be, by law required of him."

Section 2. This Act shall become effective immediately upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Bishop	Hand	Parsons	
Aldridge	Cabaniss	Holmes	Smith (J)	
Bailey	deGraffenried	Langford	Strong	
Barron	Denton	Little	Teague	
Bedsole	Foshee	Menton		—18

Nays: —0

And said Bill, S. B. 285, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 20; Nays 0.

Yeas:

Senators:	Cooley	Hand	Menton	
Aldridge	deGraffenried	Hilliard	Parsons	
Bailey	Denton	Holmes	Smith (J)	
Barron	Ellis	Langford	Strong	
Bedsole	Foshee	Little	Teague	
Cabaniss				—20

Nays: —0

The Bill:

S. 287. To amend Section 36-17-16 of the Code of Alabama 1975 so as to further provide for the destruction of cancelled state warrants.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	deGraffenried	Hilliard	Parsons	
Bailey	Denton	Holmes	Sanders	
Barron	Ellis	Little	Smith (J)	
Bennett	Foshee	Menton	Strong	
Cabaniss	Hand	Mitchem	Teague	
Cooley				—20

Nays: —0

The Bill:

S. 129. To prescribe certain qualifications for persons representing themselves to the public as dietitians, nutritionists or registered dietitians or other similar titles; and to prescribe penalties for violations of this Act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Cooley	Hand	Mitchem
Bailey	Corbett	Hilliard	Parsons
Barron	Denton	Langford	Smith (J)
Bedford	Drinkard	Little	Strong
Bedsole	Ellis	Menton	Teague
Cabaniss	Foshee		

—21

Nays: —0

The Bill:

S. 137. To amend Sections 9-17-3 and 9-17-4, Code of Alabama 1975, which creates the state oil and gas board, so as to increase the membership on the board.

was taken up.

Senator Cabaniss moved that further consideration of the Bill, S. B. 137, be postponed until the Twelfth Legislative Day.

On motion of Senator Foshee, the motion to postpone was laid on the table.

Senator Cabaniss then offered the following amendment to the Bill, S. B. 137, to-wit:

AMENDMENT TO S. B. 137

On page 2, Section 2, line 20, after the word "governor", insert the following language:

subject to confirmation by the Alabama Senate

Which was adopted.

Yeas 14; Nays 3.

Yeas:

Senators:	Corbett	Drinkard	Holmes	
Bailey	deGraffenried	Foshee	Langford	
Bedsole	Denton	Hand	Strong	
Cabaniss	Dixon	Hilliard		—14

Nays: Senators: Cooley, Parsons and Teague. —3

And said Bill, S. B. 137, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 18; Nays 5.

Yeas:

Senators:	Denton	Holmes	Smith (B)	
Bailey	Drinkard	Langford	Smith (J)	
Bishop	Foshee	Little	Strong	
Cooley	Hand	Parsons	Teague	
Corbett	Hilliard	Sanders		—18

Nays:

Senators:	Cabaniss	Dixon	Mitchem	
Bedsole	deGraffenried			—5

MESSAGE FROM THE HOUSE

Mr. President Pro Tempore:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 6. Relative to meeting dates from Tuesday, February 7, 1984 through Thursday, March 29, 1984.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

S. 158. To exempt electric cooperatives and electric membership corporations organized under Chapters 6 and 7 of Title 37 of the Code of Alabama of 1975, as amended, from the provisions of the Uniform Disposition of Unclaimed Property Act, which Act is codified in Sections 35-12-20 through 35-12-48, Code of Alabama of 1975, as amended, to establish an effective date of January 1, 1983, to repeal laws inconsistent therewith and to provide that the provisions of the Act are severable and that if any provision is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Cooley	Goodwin	Parsons	
Bailey	Corbett	Holmes	Smith (J)	
Barron	deGraffenried	Langford	Strong	
Bedsole	Denton	Little	Teague	
Cabaniss	Dial	Mitchem		—18

Nays: —0

The Bill:

S. 143. Relating to elections, to establish an annual voter registration day; to require that the hours of the board of registrars coincide with the business hours of the courthouse; to require that in certain counties, the probate judge or chief probate clerk or others be appointed as deputy registrars; to require, upon the request of certain municipal governing bodies, the appointment of the clerk of the municipality as a deputy registrar; to authorize certain high school and college officials to serve as deputy registrars; to establish a population basis for authorizing session days for boards of registrars; to provide for severability; and, to provide an effective date.

was taken up.

On motion of Senator Goodwin, further consideration of the Bill, S. B. 143, was postponed temporarily.

The Bill:

S. 202. To authorize the Public Service Commission to grant intra-state charter rights to any common carrier of passengers by motor vehicle regardless if such common carrier holds and operates regular route authority.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Parsons	
Aldridge	Denton	Hand	Sanders	
Cabaniss	Dixon	Hilliard	Smith (J)	
Cooley	Drinkard	Holmes	Strong	
Corbett	Foshee	Little		—18

Nays: —0

The Bill:

S. 82. To amend section 32-5-17, Code of Alabama 1975, relating to the nuisance of casting a light from a motor vehicle on real property at night, so as to change the hours of its effect.

was taken up.

The Standing Committee on Agriculture, Conservation, and Forestry reported the following amendment to the Bill, S. B. 82, to-wit:

AMENDMENT TO S. B. 82

Amend Senate Bill 82, Page 1, Line 29, by striking out after the word,

“property”

the following:

“, or in”

and inserting in lieu thereof the following:

“including but not limited to”

Which was adopted.

Yeas 14; Nays 0.

Yeas:

Senators:	deGraffenried	Ellis	Little
Cabaniss	Denton	Foshee	Smith (J)
Cooley	Dial	Hilliard	Strong
Corbett	Dixon	Holmes	

—14

Nays: —0

And said Bill, S. B. 82, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 21; Nays 0.

Yeas:

Senators:	Denton	Hand	Mitchem
Bailey	Dial	Hilliard	Parsons
Cabaniss	Dixon	Holmes	Smith (J)
Cooley	Drinkard	Langford	Strong
Corbett	Ellis	Little	Teague
deGraffenried	Foshee		

—21

Nays: —0

POINT OF PERSONAL PRIVILEGE

Senator Dial requested that the Journal show that had he been present when the Bill, S. B. 82, was introduced, he would have been added as a co-sponsor.

FURTHER CONSIDERATION OF S. B. 175

The Senate proceeded to further consideration of the Bill, S. B. 175.

And said Bill, S. B. 175, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Parsons
Bishop	Denton	Hilliard	Smith (J)
Cabaniss	Dial	Holmes	Strong
Cooley	Drinkard	Langford	Teague
Corbett	Ellis	Little	

—18

Nays: —0

BILLS ON THIRD READING RESUMED

The Bill:

S. 314. To provide that any appropriations made to the Public Education Employees' Health Insurance Board for the purpose of funding a uniform plan of health insurance for educational personnel shall also include an appropriation to the Public Education Employees' Health Insurance Board for partially funding insurance coverage for retired employees.

was taken up.

On motion of Senator Little, further consideration of the Bill, S. B. 314, was postponed subject to the call of the Chair.

POINT OF PERSONAL PRIVILEGE

Senator Bedsole requested the Journal show that had she been present when the Bill, S. B. 82, was passed, she would have voted "Aye".

BILLS ON THIRD READING RESUMED

The Bill:

S. 306. Relating to Civil War History; creating a state commission known as the Alabama Institute of Civil War History to be located in Birmingham; providing for a Board of Trustees; and prescribing the method of appointment, its duties and authorities, and providing for employees.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Cooley	Dixon	Sanders
Bailey	Corbett	Ellis	Smith (J)
Barron	deGraffenried	Hand	Strong
Bedsole	Denton	Hilliard	Teague
Bennett	Dial	Holmes	

—18

Nays:

—0

The Bill:

S. 86. To provide for court ordered continuing income withholding by employers as a means of child support enforcement; to provide that such order shall be included as a part of any original judgment or decree for the payment of child support; to provide that such order may be entered after notice and a hearing as a post judgment remedy for the enforcement of delinquent child support amounts in addition to enforcing continuing, prospective child support obligations; to provide for the content of orders entered pursuant to this Act; to provide that income withholding orders shall be binding upon present and successive employers; to provide for the service of orders entered pursuant to this Act upon the employer; to provide for the modification or termination of income withholding orders; to provide for the collection of certain fees for the filing of a petition for an income withholding order and for the collection of certain service fees; to provide that an income withholding order for child support shall take precedence over any other notice of garnishment; to provide that no employer may discharge or refuse to hire a person who is the subject of an income withholding order; to provide that any employer who refuses to comply with the

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order may be deemed to be in contempt of court; and further to specifically repeal Sections 6-6-490 through 6-6-493, Code of Alabama 1975, relating to garnishments to enforce child support.

was taken up.

Senator Cooley offered the following amendment to the Bill, S. B. 86, to-wit:

AMENDMENT TO S. B. 86

Amend Senate Bill No. 86 Page 2 Line 36, by striking out after the word child the remainder of line 36 and line 37 and insert in lieu thereof a period(.)

Also on page 7, line 18 after "a" insert the words "one time"

Also on page 7, line 18 strike the word two and insert in lieu thereof the word: five

Also on page 7, line 18 strike the figure 2 and insert in lieu thereof the figure: 5.

Also on page 7, line 18 strike the words: per month

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Cooley	Foshee	Parsons	
Barron	deGraffenried	Hand	Smith (B)	
Bedsole	Dial	Hilliard	Smith (J)	
Bennett	Drinkard	Holmes	Strong	
Cabaniss	Ellis	Little	Teague	—19

Nays: —0

And said Bill, S. B. 86, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 18; Nays 0.

Yeas:

Senators:	Cooley	Foshee	Parsons	
Bailey	Corbett	Hand	Smith (J)	
Bedsole	deGraffenried	Hilliard	Strong	
Bennett	Dial	Holmes	Teague	
Cabaniss	Drinkard	Little		—18

Nays: —0

The Bill:

H. 159. To repeal Act No. 81-889, S. 32 of the 1981 First Special Session, which proposes a Constitutional Amendment on budgetary matters and the legislative process.

was taken up.

Senator deGraffenried offered the following substitute for the Bill, H. B. 159, to-wit:

SUBSTITUTE FOR H. B. 159**A BILL
TO BE ENTITLED
AN ACT**

To repeal Act No. 81-889, S. 32 of the 1981 First Special Session, (Acts 1981 Special Session, p. 25), which proposes a Constitutional Amendment on budgetary matters and the legislative process.

Be It Enacted by the Legislature of Alabama:

Section 1. The Alabama Legislature has researched and finds, *inter alia*:

1. The Legislature convened, in response to the Governor's proclamation, in its First Special Session of 1981, commencing August 4, 1981, and enacted Act No. 81-889, S. 32, proposing an amendment to the Constitution of Alabama of 1901 which would require that during each regular session of the Legislature, until such time as bills making appropriations for the ensuing fiscal year have been signed by the presiding officer of each house, no bill, other than a bill making any part of said appropriations, could be signed by either the presiding officer of the House or Senate and transmitted to the other house. Act No. 81-889 further provided that the ratification election for this proposed Constitutional Amendment would be held at the first statewide primary or general election after the expiration of three (3) months from the final adjournment of the session during which the bill had been enacted.

2. The Legislature convened, in response to the Governor's proclamation, in its Third Special Session of 1981, commencing November 3, 1981, during which it enacted Act No. 81-1190, H. J. R. 75, Third Special Session, 1981, approved December 4, 1981, which redesignated the date for the ratification election of the Constitutional Amendment proposed by Act No. 81-889 as follows:

“. . . provided, however, the Constitutional Amendment proposed by Act No. 81-889, S. 32, 1981 First Special Session, shall be placed on the September 1982 primary or the November 1982 general election.”

3. The Legislature convened in Regular Session, as provided by law, on January 12, 1982, during which it passed three resolutions relating to said Act No. 81-889.

(a) Act No. 82-414, H. J. R. 165, 1982 Regular Session, was passed by the House on March 23, 1982, and by the Senate on April 8, 1982, and provided in pertinent part

“BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the election date on the September 1982 primary or the November 1982 general election ballot, as designated by Act No. 81-1190, H. J. R. 75, Third Special Session 1981, is hereby rescinded and the said constitutional amendment proposed by Act No. 81-889 shall be on the ballot at the first primary or general election in 1984.”

(b) Following the passage of H. J. R. 165, the Legislature enacted Act No. 82-270, H. J. R. 166, 1982 Regular Session, which was passed by the House on March 23, 1982, and by the Senate on April 8, 1982. H. J. R. 166, provided in pertinent part:

“BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the Secretary of State return

to it forthwith for further consideration Act No. 81-889, S. 32 of the First Special Session 1981.

BE IT RESOLVED FURTHER, That the election date on the September 1982 primary or the November 1982 general election ballot, as designated by Act No. 81-1190, H. J. R. 75, Third Special Session 1981, is hereby rescinded."

Pursuant to this resolution, the Secretary of State on April 19, 1982, returned Act No. 81-889 to the House of Representatives, further requesting that:

"[W]hatever the ultimate disposition of this proposed Constitutional Amendment, I trust that it will be returned to the Office of the Secretary of State within 10 days after the adjournment of the current session. . . ."

Following the close of the 1982 Regular Session, no further action having been taken by the Legislature respecting the substantive proposal embodied by Act No. 81-889, said Act No. 81-889 was delivered by the Clerk of the House to the Secretary of State as unfinished and non-viable business pursuant to Code of Alabama 1975, Sections 29-1-16 and 17.

(c) H. J. R. 165, having been erroneously sent to the Governor in contravention of Section 125 of the Constitution of 1901, the Legislature on April 26, 1982, enacted Act No. 82-413, H. J. R. 386, 1982 Regular Session, which provided:

"RETURNING H. J. R. 165, 1982 REGULAR SESSION, TO THE SECRETARY OF STATE FOR CUSTODY AND ASSIGNMENT OF ACT NUMBER.

"WHEREAS, the Alabama Legislature enacted H. J. R. 165, by passage in the Alabama House of Representatives on the 20th legislative day, March 23, 1982, and adoption in the Alabama Senate on the 26th legislative day, April 8, 1982, and now finds it in its possession; and

"WHEREAS, said H. J. R. 165 resets the election date for Act No. 81-889, S. 32 of the First Special Session 1981, and rescinds the date therefor for the proposed constitutional amendment on budgetary matters; and

"WHEREAS, the said H. J. R. 165 stated in pertinent part that:

"'BE IT FURTHER RESOLVED, That in accordance with Section 125 of the Constitution of 1901, this resolution relating to a proposed constitutional amendment and the election thereon, does not require the signature of the Governor and the original of same shall not be sent to him;' and

"WHEREAS, any purported executive veto of any order, vote or resolution on questions of, inter alia, 'the bringing on of elections by the two houses and amending this Constitution' can be only a nullity and is without the constitutional authority of the Governor; now therefore,

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do, in accordance with Sections 125, 284 and 287, Constitution of Alabama 1901, return H. J. R. 165, 1982 Regular Session, to the Secretary of State and hereby direct that he assign an Act number to said H. J. R. 165, abide by the requirements prescribed therein and keep such document which relates to amending the Constitution and election date called therefor within the exclusive possession of his official capacity, so that the ballot shall be prepared and the date proclaimed as designated in H. J. R. 165, 1982 Regular Session.

"BE IT FURTHER RESOLVED, That we do direct the Clerk of the House to cause delivery forthwith directly to the Secretary of State and that no copies of this resolution shall be sent to the Governor."

Consequently, H. J. R. 165, set a date for a ratification vote on the Constitutional Amendment proposed by Act No. 81-889 which Act No. 81-889 had been recalled by the Legislature and stayed in the possession of the House; H. J. R. 165 was recovered from the Governor by the Secretary of State and assigned an Act number, Act No. 82-413. However, no further legislative action had been taken after its recall on Act No. 81-889 and remained in the House with no final action thereon.

4. The Legislature convened, in response to the Governor's proclamation, in its Second Special Session of 1982, commencing June 21, 1982, during which it enacted Act No. 82-705, H. J. R. 58, Second Special Session, 1982, approved July 8, 1982, which provided in pertinent part:

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the constitutional amendments proposed by Acts 82-171, H. B. 652; 82-299, H. B. 689; and 82-332, S. B. 110, shall be presented to the voters at an election to be held on September 7, 1982.

"The constitutional amendments proposed by Acts 82-78, H. B. 54; 82-100, S. B. 328; 82-151, H. B. 574; 82-200, H. B. 651; 82-201, H. B. 48; 82-202, S. B. 454; 82-329, S. B. 546; 82-333, S. B. 502; 82-215, H. B. 741; 82-216, H. B. 742; 82-217, H. B. 760; and 82-630, H. B. 94 shall be presented to the voters at an election to be held on September 28, 1982.

"The constitutional amendments proposed by Acts No. 82-300, S. B. 302; 82-330, S. B. 468; 82-331, H. B. 616; 82-96, H. B. 473; and 82-214, H. B. 734 shall be presented to the voters at an election to be held on November 2, 1982.

"BE IT FURTHER RESOLVED, That all constitutional amendments not enumerated herein shall be presented to the voters on November 2, 1982."

5. The Justices of the Supreme Court of Alabama have on former occasions advised the Legislature that acts proposing Constitutional Amendments could be recalled by the Legislature by resolution for further consideration, and have also advised that the Legislature may by resolution validly and constitutionally redesignate the election date for proposed Constitutional Amendments. Opinion of the Justices, 252 Ala. 89, 39 So.2d 665 (1949); Opinion of the Justices, 275 Ala. 372, 155 So.2d 329 (1963); Opinion of the Justices, No. 300, Ala., 418 So.2d 107 (1982).

6. It is the sense of the Legislature that sound public policy requires that a Constitutional Amendment should to be submitted to the voters for ratification several years after the act proposing such Constitutional Amendment has been promulgated by the Legislature.

7. There exists a serious contention which is apparently valid that Act No. 81-889, S. 32, First Special Session, 1981, was returned to the Legislature by Act No. 82-270, H. J. R. 166, Regular Session 1982, and subsequently never finally enacted by the Legislature, thus remaining non-viable.

8. Act No. 82-705, H. J. R. 58, Second Special Session 1982, is the most recently enacted statute respecting the date for ratification of Act No. 81-889, S. 32, First Special Session, 1981, said date having been set at November 2, 1982, if in fact Act No. 81-889 has not been validly returned to

the Legislature by Act No. 82-270, H. J. R. 166, Regular Session, 1982, and never finally enacted by the Legislature.

Section 2. Act No. 81-889, S. 32 of the 1981 First Special Session (Acts 1981 Special Session, p. 25) is hereby specifically repealed.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 9; Nays 2.

Yeas:

Senators:	Cooley	Foshee	Little	
Bedsole	Corbett	Hilliard	Parsons	
Bennett	deGraffenried			—9

Nays: Senators: Dial and Holmes —2

And said Bill, H. B. 159, as thus amended by the substitute, was read a third time at length and passed.

Yeas 16; Nays 4.

Yeas:

Senators:	Cooley	Goodwin	Little	
Bailey	Corbett	Hand	Sanders	
Bedsole	deGraffenried	Hilliard	Smith (B)	
Bennett	Drinkard	Langford	Strong	
Bishop				—16

Nays: Senators: Bedford, Cabaniss, Dial and Holmes —4

The Bill:

S. 219. To repeal section 34-6-8, Code of Alabama 1975, which prohibits the operation of pool or billiard tables outside of an incorporated city or town having a police force.

was taken up.

Senator Corbett offered the following amendment to the Bill, S. B. 219, to-wit:

AMENDMENT TO S. B. 219

On line 11 after the period insert:

This bill also repeals Section 34-6-4, Code of Alabama 1975, relating to hours when a billiard room may be operated; provides for the hours a billiard room may operate and provides that the county commission may promulgate rules regarding billiard rooms operating in the county and fix certain license fees.

On line 20 strike the period and insert the following:

, to repeal Section 34-6-4, Code of Alabama 1975, relating to hours when billiard rooms may be operated; to provide for the hours a billiard room may operate and to provide that the county commission may promulgate

rules regarding billiard rooms operating in the county and fix certain license fees.

On lines 25-27 strike Section 2 in its entirety and substitute in lieu thereof the following:

Section 2. Section 34-6-4, Code of Alabama 1975, relating to the hours when billiard rooms may be operated is hereby repealed.

Section 3. Any business which operates a billiard room may operate said room during normal operating hours of said business.

Section 4. The county commission of every county may fix a license fee for the operation of such billiard rooms and may make such additional regulations governing the operation of such billiard rooms as they deem proper, but no county shall have power to license or authorize the doing of any act or thing prohibited by this chapter.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Bennett	Ellis	Little	
Bailey	Cooley	Foshee	Smith (B)	
Barron	Corbett	Hand	Strong	
Bedford	Denton	Holmes	Teague	
Bedsole	Dial	Langford		—18

Nays: —0

And said Bill, S. B. 219, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 18; Nays 0.

Yeas:

Senators:	Cooley	Hand	Parsons	
Aldridge	Corbett	Holmes	Smith (B)	
Barron	Dial	Langford	Strong	
Bedford	Ellis	Little	Teague	
Bennett	Foshee	Mitchem		—18

Nays: —0

The Bill:

S. 17. To amend Section 25-10-6, Code of Alabama 1975, which provides for the membership on the small business assistance advisory council, so as to increase legislative members on the council.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Little	
Aldridge	Cooley	Drinkard	Sanders	
Barron	Corbett	Foshee	Smith (B)	
Bennett	deGraffenried	Hand	Strong	
Bishop	Dial	Holmes	Teague	—19

Nays: —0

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ADJOURNMENT

At 3:35 P.M., on motion of Senator Dial, in accordance with Motion and Joint Resolution heretofore adopted, the Senate adjourned until Wednesday, March 7, 1984, at 11:30 A.M.

NINTH LEGISLATIVE DAY
WEDNESDAY, MARCH 7, 1984

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by Mr. James Watkins, Minister, Landmark Church of Christ, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Lieutenant Governor Baxley, President and Presiding Officer of the Senate.

ROLL CALL

Present:

Senators:	Cabaniss	Figures	Mitchem
Aldridge	Corbett	Foshee	Parsons
Amari	Covington	Goodwin	Pearson
Bailey	deGraffenried	Hand	Sanders
Barron	Denton	Hilliard	Smith (B)
Bedford	Dial	Holmes	Smith (J)
Bedsole	Dixon	Langford	Strong
Bennett	Drinkard	Little	Teague
Bishop	Ellis	Menton	

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JOURNAL

On motion of Senator Teague, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Eighth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator Teague, leave of absence was granted Senator Cooley for today.

POINT OF PERSONAL PRIVILEGE

Senator Teague moved that, at the request of the President and Presiding Officer of the Senate, in accordance with Senate Rule 1, the Lieutenant Governor and his staff invite outstanding students from the high schools across the State of Alabama to lead the Senate in the Pledge of Allegiance each legislative day, which motion was adopted.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator deGraffenried:

S. 390. To amend Section 11-89A-6 of the Code of Alabama 1975, relating to boards of directors for solid waste collection and disposal authorities, so as to provide further for the membership of such boards.

Committee on Health and Welfare.

By Senators Parsons, Strong, Bedsole, Teague, and Foshee:

S. 391. To require physicians and surgeons to fully inform, in layman's language, in writing, alternative treatment for breast cancer; to prescribe the responsibilities of the department of public health and the state board of health; to prescribe that failure of any physician or surgeon to comply with this act shall constitute a breach of professional ethics and conduct and shall be referred to the board of censors for disciplinary action.

Committee on Health and Welfare.

By Senator Covington:

S. 392. To allow persons seventeen years of age or older to donate blood without parental permission.

Committee on Student and Youth
Activities.

RESOLUTION

Senator Teague requested and received permission to suspend the Rules in order that the following Resolution be offered.

Senator Denton offered the following Senate Joint Resolution, to-wit:

S. J. R. 73. REQUESTING PRESIDENTIAL CANDIDATE WALTER MONDALE TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein extend a most cordial invitation to Presidential Candidate, Mr. Walter Mondale, to address the Alabama Legislature on Wednesday, March 7, 1984, and that the Legislature convene in joint session at 3:15 p.m. on said date to hear Mr. Mondale's remarks.

BE IT FURTHER RESOLVED, That in hopeful anticipation of Mr. Mondale's acceptance, we hereby direct the Secretary of the Senate to inform Mr. Mondale, by copy of this resolution, of this invitation of the Legislature.

On motion of Senator Teague, the Rules were suspended and the Resolution was adopted by the Senate.

MOTION TO RECESS

Senator Denton moved that at 12 o'clock Noon, the Senate take a recess until 3:15 P.M., at which time the message of Presidential Candidate Walter Mondale will be delivered in Joint Session, and further moved that at the completion of the Joint Session, the Senate reassemble in its Chamber, which motion was adopted.

MOTION TO RECONSIDER

Senator Corbett moved that the Bill, S. B. 219, as amended, be reconsidered and further moved that further consideration of the Bill be postponed temporarily, which motion was adopted.

RESOLUTIONS

Senator Covington requested and received permission to suspend the Rules in order to offer the following Senate Resolutions, to-wit:

S. R. 74. MOURNING THE DEATH OF MRS. ANNA MAE CARROLL PARKER OF OZARK, ALABAMA.

Also:

S. R. 75. CONGRATULATING MRS. LONIE BAREFIELD OF OZARK, ALABAMA.

Which were adopted.

Senator deGraffenried requested and received permission to suspend the Rules in order to offer the following Resolution.

Senators deGraffenried and Bishop then offered the following Senate Joint Resolution, to-wit:

S. J. R. 76. COMMENDING THE TUSCALOOSA ACADEMY KNIGHTS, STATE APSA BASKETBALL CHAMPIONS.

WHEREAS, the Alabama Legislature notes with highest commendation Tuscaloosa Academy's State Basketball Championship of the Alabama Private School Association; and

WHEREAS, under the talented direction of Head Coach Scott Brenizer and Assistant Coaches Don McNabb and Don McDaniel, the Tuscaloosa Academy Knights posted a phenomenal overall 30-1 season record; and

WHEREAS, in the three state playoff games, Knights Scott Pierce, Darryl Rogers, Tom Fitts, John Cohen, Luke Standeffer, Blair Ramey, Mike Perkins, Hunter Plott, David Morrow, Mark Kessler, Grant McAllister and Chris Hellums tilted head-on with Lee-Scott, Glenwood Academy and Sparta Academy, winning respectively by scores of 88-42, 45-43 and 86-61; and

WHEREAS, both coaches and team are indeed to be congratulated on such a sensational season, culminating in the coveted State APSA Basketball Title; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly congratulate and commend the Tuscaloosa Academy Knights, and direct that a copy of this resolution be forwarded to Coach Brenizer, on behalf of his staff and his Champion Knights, with a copy also provided for appropriate school display.

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On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Little requested and received permission to suspend the Rules in order to offer the following Resolution.

Senators Little, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong, and Teague then offered the following Senate Joint Resolution, to-wit:

S. J. R. 77. COMMENDING DR. JOHN W. KUYKENDALL OF AUBURN UNIVERSITY.

WHEREAS, the Alabama Legislature, in consensus of highest commendation, notes the selection of Dr. John W. Kuykendall to assume the prestigious office of president of Davidson College in Davidson, North Carolina; and

WHEREAS, Davidson's gain, however, is Auburn University's loss as Dr. Kuykendall will be vacating his university position as chairman of the Department of Religion since 1981; and

WHEREAS, Dr. Kuykendall will be returning to his alma mater where he was awarded the B.A. degree in English; he also holds the B.D. degree from Union Theological Seminary, the S.T.M. degree from Yale Divinity School and both the M.A. and Ph.D. degrees from Princeton University; and

WHEREAS, prior to joining the Auburn faculty in 1973, Dr. Kuykendall had successively served as Assistant Dean of Students at Davidson, as Auburn University's Presbyterian Campus Pastor and as interim Presbyterian Campus Pastor at Princeton; and

WHEREAS, Dr. Kuykendall has been the recipient of a number of honors, scholarships and awards including Omicron Delta Kappa, Phi Beta Kappa, the Algernon Sydney Sullivan Award and Phi Kappa Phi, among others; his professional affiliations also are quite lengthy, and he has contributed greatly to the community through involvement and service in many areas of civic concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Dr. John W. Kuykendall for outstanding professional achievement and further express sincere gratitude for his contributions to both Auburn University and the Auburn Community.

RESOLVED FURTHER, That a copy of this resolution be forwarded to Dr. Kuykendall that he and his wife, the former Nancy Adams Moore, and their two young sons, Timothy Moore and James Frazer Kuykendall, may be aware of our sincere sentiment of regard and best wishes for every future success in life.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 58. MOURNING THE DEATH OF FIRE CHIEF DON WILEY AYERS OF REECE CITY, ALABAMA.

Also:

H. J. R. 61. COMMENDING THE THOMASVILLE, ALABAMA, JUNIOR WOMEN'S CLUB FOR OUTSTANDING ACCOMPLISHMENT.

Also:

H. J. R. 65. NAMING THE MAINTENANCE SHOP BUILDING AT THE NORTHPORT NATIONAL GUARD ARMORY THE "GEORGE H. MAYFIELD MAINTENANCE SHOP."

Also:

H. J. R. 68. RECOGNIZING RETIRED POLICE CHIEF WINSTON JONES ORR OF MOBILE, ALABAMA, FOR OUTSTANDING SERVICE.

Also:

H. J. R. 69. COMMENDING MS. BARBARA ELY PRUDHOMME OF MOBILE, ALABAMA.

Also:

H. J. R. 78. DESIGNATING "SPECIES BASILOSARUS CETOIDES," THE ANCIENT WHALE FOSSIL AS THE OFFICIAL ALABAMA FOSSIL.

Also:

H. J. R. 79. COMMENDING JACKSONVILLE STATE UNIVERSITY COACH JIM FULLER.

Also:

H. J. R. 82. MOURNING THE DEATH OF JUDGE O. D. ALSOBROOK OF LAFAYETTE, CHAMBERS COUNTY, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

RECESS

At 12 o'clock Noon, on motion of Senator Denton, in accordance with Motion heretofore adopted, the Senate took a recess until 3:15 P.M.

JOINT SESSION

At 3:15 P.M., the Senate assembled in the Hall of the House of Representatives for the purpose of hearing the message of Presidential Candidate Walter Mondale.

The Session was called to order by Lieutenant Governor Baxley, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, Walter Mondale was escorted to the Chair and delivered his message to the Legislature of Alabama.

The purpose of the Joint Session having been accomplished, at 3:55 P.M., the Senate reassembled in its Chambers and was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session has compared the following engrossed Senate Bills with the original Senate Bills, respectively, and finds same correctly engrossed, to-wit:

S. 82. To amend Section 32-5-17, Code of Alabama 1975, relating to the nuisance of casting a light from a motor vehicle on real property at night, so as to change the hours of its effect.

Also:

S. 86. To provide for court ordered continuing income withholding by employers as a means of child support enforcement; to provide that such order shall be included as a part of any original judgment or decree for the payment of child support; to provide that such order may be entered after notice and a hearing as a post judgment remedy for the enforcement of delinquent child support amounts in addition to enforcing continuing, prospective child support obligations; to provide for the content of orders entered pursuant to this Act; to provide that income withholding orders shall be binding upon present and successive employers; to provide for the service of orders entered pursuant to this Act upon the employer; to provide for the modification or termination of income withholding orders; to provide for the collection of certain fees for the filing of a petition for an income withholding order and for the collection of certain service fees; to provide that an income withholding order for child support shall take precedence over any other notice of garnishment; to provide that no employer may discharge or refuse to hire a person who is the subject of an income withholding order; to provide that any employer who refuses to comply with the order may be deemed to be in contempt of court; and further to specifically repeal Sections 6-6-490 through 6-6-493, Code of Alabama 1975, relating to garnishments to enforce child support.

Also:

S. 137. To amend Sections 9-17-3 and 9-17-4, Code of Alabama 1975, which creates the state oil and gas board, so as to increase the membership on the board.

Also:

S. 256. Relating to Civil Rights' History; creating a state commission known as the Alabama Institute of Civil Rights' History to be located in Birmingham; providing for a Board of Trustees; and prescribing the method of appointment, its duties and authorities, and providing for employees.

Also:

S. 285. To amend Section 36-17-3 of the Code of Alabama 1975, relating to the duties and functions of the state treasurer.

CHARLES BISHOP,
Chairperson.

INTRODUCTION OF BILLS RESUMED

The Senate resumed the call of districts for the introduction of bills, which were severally read one time and referred to appropriate standing committees, as follows:

By Senator Hilliard (With Notice and Proof):

S. 393. To provide a supplemental salary for the elected deputy circuit clerk serving the Bessemer Cut-Off Division of the Tenth Judicial Circuit.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 393, as required in the General Acts of Alabama, 1975 Act No. 919.

MCDOWELL LEE,
Secretary.

By Senator Covington:

S. 394. To amend Sections 27-43-3, 27-43-6, and 27-43-15, Code of Alabama 1975, relating to legal expense insurance, so as to permit certain persons conducting life, accident and sickness insurance business to transact legal insurance business.

Committee on Banking and Insurance.

By Senators Goodwin, Barron, Corbett, Dixon, Langford, Bedford, Parsons, Strong, Foshee, and Covington:

S. 395. To amend Section 36-22-16 of the Code of Alabama, 1975, to provide for the compensation of the sheriffs of the several counties in this state.

Committee on Governmental Affairs.

By Senator Bennett:

S. 396. To amend Section 22-22A-6, Code of Alabama 1975, which provides for the Alabama Department of Environmental Management Commission, so as to provide further for the membership of the Commission.

Committee on Health and Welfare.

By Senator Denton:

S. 397. To amend Section 22-21-260 of the Code of Alabama 1975, so as to exempt a Veterans Nursing Home operated by the Department of Vet-

erans Affairs from definition as a health care facility.

Committee on Health and Welfare.

By Senator Covington:

S. 398. To amend Section 14-6-42, Code of Alabama 1975, relating to the per capita food allowance payable to the various county governing bodies of the State for feeding prisoners in the county jails.

Committee on Finance and Taxation.

By Senators Amari and Bennett:

S. 399. Relating to exempt property and allowances under the Probate Code; to permit employers to pay to the surviving spouse or to a person with custody over surviving children any wages or salary due an employee who dies intestate, said sum being considered a part of other exempt property and allowances.

Committee on Judiciary.

By Senator Bedsole:

S. 400. To provide further for the selection and purchase of textbooks and instructional materials for use in the department of youth services and the power of the board of youth services and the department of education; and to provide further for the construction of the provisions in pari materia with Section 16-36-25, Code of Alabama 1975, relating to such purchases, and Sections 44-1-70 through 44-1-77, Code of Alabama 1975, relating to the department of youth services being designated a special school district.

Committee on Education.

By Senator Foshee:

S. 401. Relating to the practice and occupations of plumbing and gas fitting work; to provide for the optional certification of such practices at a state level; to define legislative intent and definitions; to create the Alabama Board of Plumbing and Gas Certification; to provide for the composition, meetings, business, powers and responsibilities of the board; to provide for local programs of certifying plumbers and gas fitters; to administer examinations, fees, and performance bonds of applicants who seek board certification; to provide for the deposit and use of fees; to make an appropriation from the state general fund to initiate the state program; to provide exceptions to this act; to preserve local programs operating pursuant to Act No. 529, H. 977, 1949 Regular Session; to expressly authorize future local laws for local certification programs; to authorize the publishing and distribution of a list of the board's certificates; to provide for a grievance procedure for actions of the board; to provide for enforcement of the provisions of this act; to authorize reciprocal agreements with other states; and to prescribe penalties for violations of this act.

Committee on Small Business.

By Senators Mitchem, Bailey, and Little:

S. 402. To allow the Governor, the Director of Finance and the Commissioner of Agriculture and Industries to organize a public corporation for the purpose of issuing bonds or other debt securities to be used for constructing and maintaining an agricultural market facility and to renovate the existing Garrett Coliseum and other buildings on the Coliseum grounds; to provide procedures for the organization of said corporation; to set out

powers of the corporation; to authorize the issuance of up to \$6,000,000 in securities, which shall be special obligations of the corporation, payable from specified sources and which shall not be obligations or debts of any kind of the State; to provide that not more than 60% of the proceeds of sale of such securities may be expended for the construction of an agricultural market facility and not more than 40% of such proceeds may be expended for renovation of the Coliseum and other buildings on the Coliseum grounds; to provide for methods of executing and selling such securities and for paying the principal of and any premium and interest on such securities; to provide that the monies realized from leases paid by the public for use of the market, after expenses incurred in operating the market are deducted, may be pledged and used to defray the cost of 60% of the securities; to provide that the monies obtained from the public for rents and other receipts realized from use of the Coliseum, after expenses incurred in operating the Coliseum are deducted, may be pledged and used to defray the cost of 40% of the securities; and to provide that, if all of the above funds are insufficient, then to pledge monies received from fees, licenses, permits, fines and penalties collected by the Department of Agriculture and Industries and paid into the agricultural fund, for the payment of the principal of and any premium and interest on the securities; to provide that any monies received from the sale of the securities shall only be used to construct, acquire and equip an agricultural market facility, and for renovation of the Coliseum and other buildings located on the Coliseum grounds; to provide that the State Board of Agriculture and Industries shall construct the market under the guidance of the State Building Commission; to provide that the Agricultural Center Board shall be responsible for renovation of the Coliseum and other buildings on the Coliseum grounds; to provide for the refunding of the securities and procedures for the deposit, investment and disposition of proceeds of sale of the securities; to provide for limitation of any action to contest the validity of the securities; to provide that the securities are legal investments and that the securities of the corporation and any premium and interest thereon, the property and income of the corporation, and any public filings by it are exempt from taxation; and to provide for dissolution of the corporation.

Committee on Agriculture,
Conservation, and Forestry.

By Senators Mitchem, Bailey, and Little:

S. 403. To amend Section 2-3-20, Code of Alabama (1975); to provide for farmers' market facilities throughout this State for the efficient handling and sale of agricultural and agriculture related products; to create a certain farmers' market committee to advise on matters pertaining to such facilities; to prescribe the composition of such committee and the terms, duties, meetings, regulations and compensation of its membership; to prescribe punishment for violators of regulations adopted pursuant to this Act.

Committee on Agriculture,
Conservation, and Forestry.

By Senator Covington:

S. 404. To provide that all probate judges shall not receive for record, or permit the recording of, any instrument, conveying title to, or any interest in, real property that does not have legibly printed, typewritten or stamped thereon the grantee's name and latest complete address.

Committee on Judiciary.

By Senator Covington:

S. 405. To amend Section 34-30-22, Code of Alabama 1975, which provides for the qualifications of applicants for licensed social workers, so as to provide further for said qualifications.

Committee on Consumer Affairs.

By Senator Covington:

S. 406. To amend Sections 16-31-1 and 16-31-4, Code of Alabama 1975, relating to appropriations from the special educational trust fund to state institutions of higher learning for matching American Legion Scholarships, so as to increase such appropriations.

Committee on Finance and Taxation.

By Senator Teague:

S. 407. To authorize and direct the commissioner of conservation and natural resources to return by a proper conveyance to Amos Garrett that certain parcel of real property in Baldwin County heretofore conveyed by Amos Garrett to the State of Alabama to be used for the location of a highway bridge which site was abandoned by the state for that purpose and the bridge was constructed at another site.

Committee on Commerce,
Transportation, and Utilities.

RESOLUTIONS

Senator Teague requested and received permission to suspend the Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 78. RECOGNIZING THE OUTSTANDING SERVICE OF MR. RALPH BISHOP.

WHEREAS, Ralph Bishop, while serving in combat as a U.S. Marine paid the highest price in the defense of his country when he was blinded by a shot fired from a Japanese gun in Okinawa on April 13, 1945. Facing overwhelming odds he returned to civilian life and began to prove his leadership among peers and others, serving as a beacon for the sighted and blind alike, and

WHEREAS, he has for more than 35 years served the Alabama Institute for Deaf and Blind and the Division of Rehabilitation and Crippled Children Service, and

WHEREAS, during this period he has rendered untiring and devoted service to children and adults in a multitude of settings, and

WHEREAS, at all times he has fulfilled his obligations with sound results and always his position with dignity, and

WHEREAS, it is felt that Mr. Bishop has demonstrated his ability as an able administrator, and

WHEREAS, on many occasions he has been the guiding force that has enabled other handicapped individuals to rise above their disabilities, and

WHEREAS, Mr. Bishop has served with commitment and dedication to excellence and has brought respect and honor to his profession; now therefore,

BE IT RESOLVED THAT THE STATE OF ALABAMA LEGISLA-

TURE, Does recognize this outstanding service which has been given, and on the occasion of Mr. Bishop's official retirement as Area Supervisor, Blind and Deaf Services, Division of Rehabilitation and Crippled Children Service on February 29, 1984 wishes to convey to him deep appreciation and admiration and warmly applauds him for the conduct of his office. He is commended by this resolution for his loyal service and every success is wished for him by this body.

BE IT FURTHER RESOLVED, That a copy of this resolution be furnished to Ralph Bishop and the records of this assembled in Montgomery, Alabama.

On motion of Senator Teague, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Teague then requested and received permission to suspend the Rules in order to offer the following Resolution.

Senators Teague and Bedsole then offered the following Senate Joint Resolution, to-wit:

S. J. R. 79. RECOGNIZING THE OUTSTANDING SERVICE OF MR. JAMES W. (BILL) COWEN.

WHEREAS, James W. (Bill) Cowen has served for more than 36 years in the Vocational Rehabilitation Division of the State Department of Education, and

WHEREAS, he has advanced from the position of rehabilitation counselor in 1947 to the high office of Director of the Division of Rehabilitation and Crippled Children Service in 1978, and

WHEREAS, at all times during his years of service he has demonstrated his ability as a leader among his peers, always filling his position with dignity and giving his full attention to his duties, and

WHEREAS, he has been active in all areas of rehabilitation, has been recognized by a multitude of agencies with which he has had interaction, and

WHEREAS, he has been the recipient of various awards both for his organizational and leadership roles for his agency and on an individual basis, including being the first recipient in 1982 of the ARA Owen F. Wise Award for outstanding leadership in the field of rehabilitation and the Lotus Award in 1983 for that individual who has contributed the most for the handicapped, and

WHEREAS, he has at the same time been actively engaged in numerous community affairs which includes his church and civic affairs and in professional organizations over the State of Alabama and indeed, across the country, and

WHEREAS, he has at all times exemplified in his life the early training he received in the public schools of Opp, Alabama and in higher education at Auburn University, and

WHEREAS, he has along with his wife, the former Betty Gibson reared an outstanding family of one son and two daughters, which now includes seven grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That we recognize this outstanding person and applaud his many contributions of

many years to Alabamians, both the able and disabled.

BE IT FURTHER RESOLVED, That this body does commend him for this loyal service and wish him every success upon his retirement on March 31, 1984 as he continues to serve in other ways his community, his state and those friends who surround him.

BE IT FURTHER RESOLVED, That a copy of this resolution be furnished to Mr. Cowen and spread upon the records of this assembled in Montgomery, Alabama.

On motion of Senator Teague, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Barron requested and received permission to suspend the Rules in order to offer the following Senate Resolution, to-wit:

S. R. 80. MOURNING THE DEATH OF THE VERY REVEREND SAMUEL GRAHAM GLOVER OF FORT PAYNE, ALABAMA.

Which was adopted.

BILLS ON THIRD READING

Senator Corbett received permission to suspend the Rules in order to bring up the Bill:

S. 30. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Cosmetology as provided in Sections 34-7-1 through 34-7-47, Code of Alabama 1975, and the legislature's concurrence thereof.

Senator Bailey offered the following substitute for the Bill, S. B. 30, to-wit:

SUBSTITUTE FOR S. B. 30

A BILL TO BE ENTITLED AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Cosmetology as provided in Sections 34-7-1 through 34-7-47, Code of Alabama 1975, with certain modifications, to amend Section 34-7-40 so as to alter the board's composition.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Board of Cosmetology, and voted to recommend the continuance of the board created and functioning pursuant to Sections 34-7-1 through 34-7-47, Code of Alabama 1975, with the additional recommendations for statutory changes of the board set out in Section 3 hereof.

Section 2. The existence and functioning of the Alabama Board of Cosmetology pursuant to Sections 34-7-1 through 34-7-47 of the Code of Alabama 1975 are hereby continued.

Section 3. Section 34-7-40, Code of Alabama 1975, is hereby amended to read as follows:

“§ 34-7-40.

“(a) There is hereby created the Alabama board of cosmetology which shall consist of seven ten members persons appointed by the governor, one from each congressional district, and three at-large all of whom shall be active licensed cosmetologists. The terms of office for this board shall be: seven appointed on October 1, 1981, one for a period of one year, two for a period of two years, two for a period of three years and two for a period of four years. All subsequent appointments shall be for a period of four years. No person shall serve for more than two consecutive four-year terms on the board. Vacancies on the board shall be filled by the governor for the unexpired terms.

“(b) The members of the board must have had at least five years practical experience in the majority of the practices of cosmetology. Board members shall be appointed for terms of five years. Vacancies on the board shall be filled by the governor for the unexpired terms. Only one member of the board shall be a member of or affiliated with a school of cosmetology. Said board may do all things necessary and convenient for enforcing the provisions of this chapter. The board may from time to time promulgate necessary rules and regulations compatible with the provisions of this chapter. Any board member may be removed by the governor for just cause.

“(c) The board shall publish all its rules and regulations, together with a copy of this chapter and its amendments, and distribute the same to all licensees affected by the same. Amendments and changes in said rules and regulations shall likewise be published by the board and distributed to the licensees hereunder. The rules and regulations so published and distributed must be retained in each shop or school licensed by the board and must be available at all times to personnel in each shop or school and available to the general public where interest is manifested.

“(d) No rule or regulation of the board, or amendment or repeal of an existing rule or regulation, shall be effective until 20 days after written notice thereof shall have been given to each beauty shop owner and cosmetology school licensed under this chapter, but the failure of any such persons to receive the notice shall not invalidate the rule or regulation, amendment or repeal, except upon proof that the failure to give the notice was a willful violation of this requirement.”

Section 4. The legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2 and 3 hereof.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 40. COMMENDING THE COLLINSVILLE PANTHERS FOOTBALL TEAM FOR ITS OUTSTANDING SEASON.

Also:

S. J. R. 41. COMMENDING MAJOR BOB R. MILNER FOR MERITORIOUS SERVICE WITH THE ALABAMA DEPARTMENT OF PUBLIC SAFETY.

Also:

S. J. R. 42. COMMENDING THE UNIVERSITY OF ALABAMA'S NATIONAL CHAMPIONSHIP CHEERLEADERS.

Also:

S. J. R. 43. MEMORIALIZING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO IMMEDIATELY APPOINT A SPECIAL PANEL, TASK FORCE OR COMMISSION TO STUDY THE ENTIRE JUDICIAL SYSTEM OF THE UNITED STATES.

CHARLES BISHIP,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set ut in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolution with the original Senate Bills and Senate Joint Resolution respectively, and finds same correctly enrolled, to-wit:

S. 22. To amend the "Hazardous Waste Management Act of 1978," as amended, specifically amending Sections 22-30-3, 22-30-12, 22-30-13, 22-30-15, 22-30-16, 22-30-17, 22-30-18, 22-30-19 and 22-30-21, Code of Alabama 1975, so as to clarify the definition of disposal and add a definition of transporter; ensure that the Alabama Department of Environmental Management (ADEM) has sufficient time to review permit applications prior to approval or disapproval; more fully define the responsible party for permit issuance; require that out-of-state shipments of hazardous waste be transported to and disposed of at only those facilities which have been approved by the United States Environmental Protection Agency (EPA) or a state pursuant to a hazardous waste management program approved by EPA;

clarify the Alabama program's authority to promulgate transporter regulations to protect human health and the environment; clarify the application of trade secret protection; clarify and enlarge the penalties section by amending the civil monetary penalties section, eliminating duplicate criminal liability provisions and clarifying the state's authority to require correction of violations; provide that the 90-day exemption relating to the storage of hazardous waste applies only to on-site storage by the generators of such waste; provides for further regulation of certain transporters; and allow the substitution of proper shipping papers for the manifest for certain transporters.

Also:

S. 248. Relating to Cullman County; to amend the title and Section 1 of Act No. 515, S. 755, 1977 Regular Session (Acts 1977 p. 681), which deals with "flea" markets operating on Sunday, so as to provide for nurseries and other businesses to operate on Sundays during certain business hours and providing that the provision of subsection (c) of Section 1 of this Act relating to businesses other than nurseries shall not become effective until approved at a referendum election held for such purpose.

Also:

S. J. R. 51. INVITING PRESIDENTIAL CANDIDATE JOHN GLENN TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

CHARLES BISHOP,
Chairperson.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and Senate Joint Resolution, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 73. REQUESTING PRESIDENTIAL CANDIDATE WALTER MONDALE TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF S. B. 30

The Senate proceeded to further consideration of the Bill, S. B. 30. The question was on the substitute offered by Senator Bailey.

On motion of Senator Holmes, said substitute was laid on the table.

Yeas 13; Nays 9.

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Yeas:

Senators:	Bedsole	Ellis	Little	
Aldridge	Bennett	Hand	Mitchem	
Barron	deGraffenried	Holmes	Smith (B)	
Bedford	Dial			—13

Nays:

Senators:	Covington	Langford	Strong	
Bailey	Goodwin	Menton	Teague	
Corbett	Hilliard			—9

Senator Bailey moved that further consideration of the Bill, S. B. 30, be postponed subject to the call of the Chair.

Senator Holmes moved that the motion to postpone be laid on the table, which motion was lost.

Senator Bailey then moved that further considerations of the Bill, S. B. 30, be postponed subject to the call of the Chair, which motion was lost.

Yeas 7; Nays 18.

Yeas:

Senators:	Corbett	Foshee	Mitchem	
Bailey	Covington	Langford	Strong	—7

Nays:

Senators:	deGraffenried	Hand	Pearson	
Barron	Denton	Holmes	Sanders	
Bedford	Dixon	Little	Smith (B)	
Bedsole	Ellis	Menton	Teague	
Bennett	Goodwin	Parsons		—18

Senator Bailey then offered the following substitute No. 2 for the Bill, S. B. 30, to-wit:

SUBSTITUTE FOR S. B. 30
A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Cosmetology as provided in Sections 34-7-1 through 34-7-47, Code of Alabama 1975, with certain modifications, to amend Section 34-7-40 so as to alter the board's composition.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Board of Cosmetology, and voted to recommend the continuance of the board created and functioning pursuant to Sections 34-7-1 through 34-7-47, Code of Alabama 1975, with the additional recommendations for statutory changes of the board set out in Section 3 hereof.

Section 2. The existence and functioning of the Alabama Board of Cosmetology pursuant to Sections 34-7-1 through 34-7-47 of the Code of Alabama 1975 are hereby continued.

Section 3. Section 34-7-40, Code of Alabama 1975, is hereby amended to read as follows:

“§ 34-7-40.

“(a) There is hereby created the Alabama board of cosmetology which shall consist of ~~seven~~ eight members ~~persons~~ appointed by the governor, one from each congressional district, and one at-large all of whom shall be active licensed cosmetologists. The terms of office for this board shall be: seven appointed on October 1, 1981, one for a period of one year, two for a period of two years, two for a period of three years and two for a period of four years. All subsequent appointments shall be for a period of four years. No person shall serve for more than two consecutive four-year terms on the board. Vacancies on the board shall be filled by the governor for the unexpired terms.

“(b) The members of the board must have had at least five years practical experience in the majority of the practices of cosmetology. Board members shall be appointed for terms of five years. Vacancies on the board shall be filled by the governor for the unexpired terms. Only one member of the board shall be a member of or affiliated with a school of cosmetology. Said board may do all things necessary and convenient for enforcing the provisions of this chapter. The board may from time to time promulgate necessary rules and regulations compatible with the provisions of this chapter. Any board member may be removed by the governor for just cause.

“(c) The board shall publish all its rules and regulations, together with a copy of this chapter and its amendments, and distribute the same to all licensees affected by the same. Amendments and changes in said rules and regulations shall likewise be published by the board and distributed to the licensees hereunder. The rules and regulations so published and distributed must be retained in each shop or school licensed by the board and must be available at all times to personnel in each shop or school and available to the general public where interest is manifested.

“(d) No rule or regulation of the board, or amendment or repeal of an existing rule or regulation, shall be effective until 20 days after written notice thereof shall have been given to each beauty shop owner and cosmetology school licensed under this chapter, but the failure of any such persons to receive the notice shall not invalidate the rule or regulation, amendment or repeal, except upon proof that the failure to give the notice was a willful violation of this requirement.”

Section 4. The legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2 and 3 hereof.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator Holmes, said substitute was laid on the table.

Yeas 13; Nays 9.

**REGULAR SESSION
9th Day**

375

Yeas:

Senators:	Bedsole	Ellis	Little
Aldridge	Bennett	Hand	Parsons
Barron	Cabaniss	Holmes	Smith (B)
Bedford	Dixon		

—13

Nays:

Senators:	Covington	Langford	Strong
Bailey	Dial	Mitchem	Teague
Corbett	Goodwin		

—9

On motion of Senator Bailey, further consideration of the Bill, S. B. 30, was postponed until the Tenth Legislative Day.

RESOLUTIONS

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 81. **RESOLVED BY THE SENATE**, That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the ninth legislative day of the 1984 Regular Session only:

Inst Id		Page
S. 76	Alcoholic beverages, municipal option elections provided, referendum.	24
S. 252	Hunting Licenses, hunter ed. course certif. requirement prior to licensing, Dept. of Nat Res. to prescribe course and instruct., fraudulent certif. punished, penalties.	59
S. 81	Game and Fish, amends numerous Sections of Title 9, Chapter 12, relating to Marine Resources, so as to increase penalty provisions.	56
S. 223	Aeronautics Dept. and Commission, abolished, duties and powers transferred to Highway Dept., Secs. 4-2-30, 4-2-31, 4-2-32, 4-2-35, 4-2-35.1, 4-2-36 repealed.	52
S. 258	Child Pornography, further defined, crim. procedure for meals, Secs. 13A-12-190 through 13A-12-197 am'd.	38
S. 316	Appropriation, from SETF to emergency secondary education scholarship fund for 1984-85.	22
S. 351	National Conference of State Legislatures and Council of State Governments, tax exemption.	50

On motion of Senator Teague, the Resolution was adopted by the Senate.

Senator Goodwin requested and received permission to suspend the

Rules in order to offer the following Senate Joint Resolution, to-wit:

S. J. R. 82. NAMING THE AUDITORIUM-OFFICE BUILDING AT THE CHILTON AREA HORTICULTURE SUB-STATION, THE "C. C. 'CHICK' CARLTON BUILDING".

WHEREAS, Mr. C. C. "Chick" Carlton, who recently announced his retirement as superintendent of the Chilton Area Horticulture Sub-Station, has served continuously and with distinction in that position since 1948, and previously as assistant County Agent in Chilton County; and

WHEREAS, he has been a leader in developing improved varieties of fruits and vegetables, and has been instrumental in the development of the sweet potato industry in Alabama; and

WHEREAS, he further has been active in church and civic activities as well as in the Chilton County cattle industry; and

WHEREAS, it is the desire of both the Chilton County Commission and this body that Mr. Carlton be appropriately honored for his outstanding service to Chilton County, to the State of Alabama and to the field of horticulture over the past many years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in sincere appreciation and praise for extraordinary service, we hereby name and designate the auditorium-office building located at the Chilton Area Horticulture Sub-Station, the "C. C. 'Chick' Carlton Building."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said building, and that further a copy of this resolution shall be sent to Mr. Carlton as a memento of this honorary designation of the Alabama Legislature.

On motion of Senator Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

FURTHER RECONSIDERATION OF S. B. 219

The Senate proceeded to further consideration of the Bill, S. B. 219, as amended.

On motion of Senator Corbett, the Senate reconsidered the vote by which the Bill, S. B. 219, as amended, was passed.

On motion of Senator Corbett, the Senate reconsidered the vote by which the Bill, S. B. 219, as amended, was ordered to its third reading.

Senator Corbett then offered the following amendment to the Bill, S. B. 219, as amended, to-wit:

AMENDMENT TO S. B. 219, AS AMENDED

Amend S. B. 219, as amended, as follows:

On page 2, line 11, after Section 4, add the following Section 5.

"Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

Which was adopted.

Yeas 21; Nays 0.

REGULAR SESSION
9th Day

377

Yeas:

Senators:	Cabaniss	Dixon	Menton	
Aldridge	Corbett	Ellis	Mitchem	
Barron	Covington	Hand	Smith (B)	
Bedford	deGraffenried	Langford	Smith (J)	
Bedsole	Denton	Little	Teague	
Bennett	Dial			—21

Nays: —0

And said Bill, S. B. 219, as thus amended, was again read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 21; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Little	
Aldridge	Corbett	Foshee	Mitchem	
Barron	deGraffenried	Goodwin	Parsons	
Bedford	Denton	Hand	Smith (B)	
Bedsole	Dial	Langford	Teague	
Bennett	Drinkard			—21

Nays: —0

MOTION TO ADJOURN

Senator Aldridge moved that when the Senate adjourns today, it adjourn to meet again on Thursday, March 8, 1984, at 9 o'clock A.M., which motion was adopted.

MOTION IN WRITING

Senator Hilliard offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 352, on page 53 of the Ninth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 352, referred to the Standing Committee on Rules for placement on the Consent Calendar.

INTRODUCTION OF BILLS RESUMED

The Senate resumed the call of districts for the introduction of bills, which were severally read one time and referred to appropriate standing committees, as follows:

By Senator Parsons:

S. 408. To provide for the reopening of the Employees' Retirement System of Alabama to those municipal officers and employees who are members of the Employees' Retirement System of Alabama on June 1, 1984 and who have prior employment with other municipalities for which they are ineligible to gain credit.

Committee on Finance and Taxation.

By Senator Mitchem:

S. 409. To provide school nurse positions for each school system

through the State Department of Education.

Committee on Education.

By Senator Mitchem:

S. 410. To amend Section 9-15-38, Code of Alabama 1975, relating to the sales of timber or minerals from school or swamp and overflowed lands, so as to remove the \$500.00 limit on the negotiated sale of damaged, diseased, or right-of-way timber; and to further provide for the negotiated sale of all other timber, the value of which does not exceed \$2,000.00.

Committee on Agriculture,
Conservation, and Forestry.

By Senator Drinkard (With Notice and Proof):

S. 411. To amend Section 12 of Act No. 80-442 so as to eliminate the 90 days waiting period to draw benefits for normal retirement from the Policemen's and Firemen's Retirement Fund of the City of Gadsden, Alabama.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 411, as required in the General Acts of Alabama, 1975 Act No. 919.

MCDOWELL LEE,
Secretary.

By Senator Mitchem:

S. 412. To amend Section 9-15-38, Code of Alabama 1975, relating to the sales of timber or minerals from school or swamp and overflowed lands, so as to remove the \$500.00 limit on the negotiated sale of damaged, diseased, or right-of-way timber; and to further provide for the negotiated sale of all other timber, the value of which does not exceed \$2,000.00.

Committee on Agriculture,
Conservation, and Forestry.

By Senator Teague:

S. 413. To amend the Alabama Uniform Certificate of Title and Antitheft Act by repealing Sec. 32-8-48 Code of Alabama 1975, and by amending Sec. 32-8-87 Code of Alabama 1975, to include certain requirements set forth in Sec. 32-8-48 repealed herein, to remove the requirement of surrendering the vehicle identification number plate in certain instances, to provide for the issuance of a salvage certificate of title and the assignment of same, to exempt insurance companies from titling motor vehicles in the name of the company in certain instances, to redefine total loss motor vehicles for clarity and to require certain other documents or items to be surrendered to the Department of Revenue in certain instances.

Committee on Judiciary.

By Senator Aldridge:

S. 414. To provide for a guaranteed minimum starting wage or salary for all county law enforcement officers of this state and provide for the enforcement of the provisions of this act.

Committee on Finance and Taxation.

By Senator Cabaniss:

S. 415. To require all motor vehicle operators to have certain liability insurance coverage or financial security and to furnish proof of such coverage or security and to provide criminal sanctions for violating the provisions of this Act.

Committee on Banking and Insurance.

By Senator Denton:

S. 416. To amend Sections 17-21-2, 17-21-3 and 17-21-5, Code of Alabama 1975, and to repeal Section 17-21-4, Code of Alabama 1975, all relating to the reimbursement of counties by the state for certain election expenses, so as to clarify instances in which counties shall be reimbursed for election expenses.

Committee on Governmental Affairs.

By Senator Menton:

S. 417. To provide for the government and control by Civil Service regulations of full-time deputy sheriffs of each county not already covered by a Civil Service Board system in each such county and to fix the duties, authority, powers, and method of compensation of each such board; and to provide for penalties for violations.

Committee on Governmental Affairs.

By Senator Mitchem:

S. 418. To amend Sections 41-7-1 and 41-7-5, Code of Alabama 1975, which established the bureau of publicity and information, so as to change the name to the bureau of tourism and travel.

Committee on Industrial Expansion,
Economic Growth, and Jobs.

By Senator Covington:

S. 419. To amend Sections 16-31-1 and 16-31-4, Code of Alabama 1975, relating to appropriations from the special educational trust fund to state institutions of higher learning for matching American Legion Scholarships, so as to increase such appropriations.

Committee on Education.

By Senators Mitchem and Langford:

S. 420. To exempt George Lindsey Celebrity Benefit, Inc., and the Alabama Special Olympics or any predecessor organizations or entities, from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Rogers (With Notice and Proof):

H. 13. To make certain legislative findings regarding horse racing and pari-mutuel wagering thereon in the City of Birmingham; to define the particular terms used in the substantive provisions of this Act; to authorize the

creation of a racing commission in Birmingham; to provide for a referendum of the voters of the county on the question of whether this Act will become effective in the county; to provide that horse racing and pari-mutuel wagering thereon shall be lawful in Birmingham; to provide for the designation or appointment and the terms of office of the members and officers of the commission; to provide for and authorize the incorporation of the commission upon the filing by the members thereof of an application with the Secretary of State; to specify the general powers and duties of the commission, including the power to adopt rules and regulations governing diverse aspects of horse racing, the exposure of the public thereto, and the conduct of pari-mutuel wagering thereon; to provide for the issuance by the commission of licenses for owners and operators of racing facilities; to prescribe the methods for applying for such licenses, the manner in which such applications are to be reviewed by the commission, and the terms and conditions upon which such licenses shall be granted and held; to provide for the suspension or revocation of any such license; to provide for the issuance by the racing commission of permits to companies and individuals engaged in certain activities related to horse racing; to prescribe the method for applying for such permits and the manner in which such applications are to be reviewed by the racing commission; to provide for the suspension or revocation of any such permit; to authorize and provide rules for the conduct of pari-mutuel wagering on horse racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools which are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of a license fee for pari-mutuel wagering by each licensed operator to the racing commission licensing such operator and to specify the method for determining the amount of any such fee; to provide that the racing commission may enter into contracts with licensed operators to establish limits on the license fees payable by such operators and that any such contract shall not be impaired by a subsequent Act of the Legislature; to authorize the racing commission to make rules and regulations under which television or radio coverage of racing events held outside the state may be transmitted to racing facilities governed by the racing commission and made the subject of pari-mutuel wagering under the provisions of this Act; to authorize any the racing commission to make rules and regulations under which television or radio coverage of racing events held at racetracks under the jurisdiction of the commission may be transmitted for the entertainment of the public or for the purpose of pari-mutuel wagering at locations outside the state; to provide that a specified percentage of total pari-mutuel wagering revenues shall be used for purses to be paid to the owners of horses competing in races; to provide for the establishment by the racing commission of a special fund for the purpose of promoting the breeding, raising and racing of thoroughbred and standardbred horses in the state, to specify the source and amounts of moneys for such fund, to specify certain purposes for which the moneys in such fund shall be used, and to authorize the racing commission to make rules and regulations for the administration of such fund and the disbursement of moneys therefrom; to specify the purposes for which the net revenues of each racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to prohibit certain activities related to racing events; to provide that the provisions of this Act shall be severable; to provide that this Act shall govern in the event of a conflict between its provisions and existing laws; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise horse racing and pari-mutuel wagering thereon in the City of Birmingham.

I hereby certify that the Notice & Proof is attached to the Bill, H. B.

13, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 13. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Albright (With Notice and Proof):

H. 87. To provide for and create the Madison County Racing Commission, for the regulating, licensing and supervising of greyhound racing and pari-mutuel wagering thereon; to prescribe the composition, appointment, powers and duties of the Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the Act; to provide certain penalties for the violation of this Act and for other purposes relative thereto; and to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 87, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 87. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Lindsey and Rains:

H. J. R. 105. NAMING THE COLLINSVILLE NATIONAL GUARD ARMORY, THE "SAMUEL CURTIS JONES ARMORY."

WHEREAS, a native and lifelong resident of Collinsville, Alabama, Samuel Curtis Jones died November 16, 1964; he and his wife, Mrs. Lucille Davis Jones, were the parents of five children and the loving grandparents of 12, one of whom is Miss Pam Battles currently serving as Miss Alabama; and

WHEREAS, Mr. Jones was a graduate of Collinsville High School and Auburn University; he was a farmer and also had worked with the Farm Security Administration and as county supervisor with the DeKalb County Veterans Training Programs; and

WHEREAS, inducted into the United States Army at Fort Knox, Kentucky, Mr. Jones served his country with distinction from January 24, 1942 until his discharge, with the rank of Captain, on January 9, 1946; his decorations included the Purple Heart and the European-African-Middle Eastern Service Medal with three Bronze Stars; and

WHEREAS, Mr. Samuel Curtis Jones also helped organize the Army National Guard unit at Collinsville, Alabama, and served as the unit's first commander; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in memory and honor of the late Samuel Curtis Jones, a distinguished Alabamian and American patriot, we hereby name and designate the National Guard armory at Collinsville, Alabama, the "Samuel Curtis Jones Armory."

BE IT FURTHER RESOLVED, That the proper authorities are directed to erect and maintain appropriate signs and markers so designating said armory as the "Samuel Curtis Jones Armory."

RESOLVED FURTHER, That Mr. Jones' family receive a copy of this resolution as a memento of this commemorative designation of the Alabama Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 105, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Melton:

H. J. R. 101. RECOGNIZING MARCH 2, 1984, AS CENTRAL HIGH LADY FALCONS DAY.

WHEREAS, the Alabama Legislature notes with highest praise, the State girls basketball title captured by the Central High School Lady Falcons, 4-A Champions for 1983-84; and

WHEREAS, the Lady Falcons, also Region 8 champions, ended the season with an impressive overall 26-2 record following their defeat of McGill and Torles in the State tournament finals; and

WHEREAS, it is further to be noted that this is the second champion-

ship in the past three years for the Lady Falcon Cagers who also went all-the-way in 1981-82 to win the 4-A State Crown; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in commendation and with heartiest congratulations, we hereby recognize March 2, 1984, as Central High Lady Falcons Day.

BE IT FURTHER RESOLVED, That copies of this resolution so distinguishing said date, be forwarded to Central High School principals, Dr. Terrell Tinney and Dr. Oscar Tucker; to head coach Jim Holland and assistant coaches Garland Pounds and Wardell Davis, on behalf of the Lady Falcons; and to Dr. Thomas E. Ingram, superintendent of the Tuscaloosa City Schools.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 101, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. White (F) and Warren:

H. J. R. 94. COMMENDING MR. AND MRS. CHESTER TURNER OF POLLARD, ALABAMA, ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

Also:

By Rep. Black:

H. J. R. 102. COMMENDING COACH NELSON R. HUGHES OF SUMTER COUNTY, LIVINGSTON HIGH SCHOOL.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 94 and 102, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

REPORTS OF COMMITTEES

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Aldridge and Menton (With Substitute):

S. 72. To amend Section 36-7-40 of the Code of Alabama 1975 so as to further provide for the reimbursement of state employees for moving expenses.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Langford (With Substitute) (With Amendment):

S. 107. To amend Section 40-12-49, Code of Alabama 1975, relating to license tax levied on attorneys, so as to increase the amount of said tax.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (J) (With Amendment):

S. 80. To amend Section 15-18-83, Code of Alabama 1975, relating to persons who may be present at an execution for a capital criminal offense, so as to expand media coverage of such execution by providing for certain additional persons to be in attendance at such execution.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Bedsole:

S. 97. To amend Section 36-21-9, Code of Alabama 1975, which provides that honorably retired law enforcement officers are eligible to carry handguns, so as to include retired bailiffs within said eligibility.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee (With Substitute):

S. 220. To provide an additional or alternative remedy to the Reciprocal State Enforcement of Duty to Support law, Code of Alabama 1975, §§ 30-4-80 through 30-4-98, for the benefit of any person owed the duty of support where said duty arises pursuant to a foreign support order or decree as defined in this Act.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Teague:

S. 226. To amend Section 36-21-9, Code of Alabama 1975, which provides that honorably retired law enforcement officers are eligible to carry handguns.

By Senators Holmes and Teague:

S. 353. To establish penalties for certain criminal activities in respect to computers.

Senator Langford, Chairperson of the Standing Committee on Govern-

mental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Parsons:

S. 25. To amend Section 11-50-234, Code of Alabama 1975, relating to the Board of Directors of Water Works and Sewer Boards formed under Division 1, Article 8, Chapter 50 of said Code so as to authorize the governing body of any municipality which has heretofore or hereafter authorized the creation of such a corporation to increase the board of directors of the same from three to five members, any provision of the Articles of Incorporation of such corporation to the contrary notwithstanding.

By Senator deGraffenried:

S. 166. To amend Section 17-4-160 of the Code of Alabama 1975, relating to voter registration, so as to require county boards of registrars to visit any college campus in the county one day during fall registration for classes.

Senator Langford, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Langford (With Substitute):

S. 341. To amend Sections 17-10-3 and 17-10-5, Code of Alabama, 1975, relating to application to vote by absentee ballots and the ballot therefor, so as to permit certain eligible qualified electors of Alabama to apply for and to vote a "write-in" absentee ballot in the primary and at the same time the general election; and to provide an effective date.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Bedsole, Hand, Dixon, Cabaniss, Bennett, Hilliard, Aldridge, Figures, Cooley, Parsons, Smith (B), Barron, Foshee, Corbett, Bailey, Teague, Smith (J), Dial, Langford, Mitchem, and Strong:

S. 337. To provide further for the compensation of certain professors and instructors at state four-year institutions of higher learning.

By Senators Strong, Sanders, Parsons, Figures, Bedsole, Bailey, and Teague:

S. 305. To authorize the Chancellor of Postsecondary Education to establish multipurpose programs at designated two-year institutions to provide the necessary training, counseling, and services to enable displaced homemakers to experience economic security vital to productive lives; and to provide for the appointment of a director to administer the statewide network of multipurpose programs.

By Senators Smith (J), Cooley, Barron, and Smith (B):

S. 235. To amend Sections 16-49-26 and 16-49-27, Code of Alabama 1975, which provide for the meetings and quorum of the Board of Trustees

of Alabama Agricultural and Mechanical University, so as to provide further for said meetings and quorum.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Corbett, Teague, Parsons, and Strong (With Substitute):

S. 193. To amend Sections 25-5-13 and 25-5-50, Code of Alabama, 1975, so as to remove certain exceptions from compulsory participation.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Dial (With Notice and Proof):

S. 153. To permit banks now or hereafter situated in Chambers County to establish, maintain or operate branch banks and branch offices within said county for the conduct of a general banking and trust business; and to repeal conflicting laws.

By Rep. Mitchell (With Notice and Proof):

H. 9. To provide for branch banking in Pickens County.

By Reps. Smith and Grouby (With Notice and Proof):

H. 43. Relating to Chilton County; to provide for an additional expense allowance for the county coroner.

By Rep. Laird (With Notice and Proof):

H. 131. Relating to Randolph County; to provide for an optional system of motor vehicle tag and decal purchasing by mail; to authorize an additional fee for mailing tags; to provide for the disposition of such fees; to provide that the county commission shall provide such necessary space, personnel, equipment and supplies; and to provide retroactive effect to January 1, 1983.

By Rep. Adams (With Notice and Proof):

H. 323. Relating to the municipality of Phenix City, Alabama, so as to provide a procedure for the recall of city councilmen; to provide for the filling of offices vacated due to a recall election; to provide for a referendum regarding this act; to provide for implementation procedure and to provide for certain effective dates.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Kvalheim, Gaston, and Hooper:

H. J. R. 106. INVITING PRESIDENT RONALD REAGAN AS A PRESIDENTIAL CANDIDATE TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein extend a most cordial invitation to President Ronald Reagan, as a presidential candidate, to address the Alabama Legislature at his earliest convenience, on which date and at a time to be set, the Legislature shall convene in joint session to hear President Reagan's remarks.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to forward a copy of this resolution to President Reagan in invitation to address the Legislature and in hopeful anticipation of his acceptance.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Bedsole, the Rules were suspended and the Resolution, H. J. R. 106, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTION

Senator Bailey offered the following Senate Joint Resolution, to-wit:

S. J. R. 83. EXPRESSING APPRECIATION TO THE U. S. MARINES WHO SERVED IN LEBANON.

WHEREAS, the United States Marines served in Lebanon to protect the ideals of democracy; and

WHEREAS, the United States Marines served in Lebanon to bring peace to the country of Lebanon; and

WHEREAS, the United States Marines were in Lebanon to protect innocent citizenry of that country; and

WHEREAS, the United States Marines, by serving in Lebanon, risked their lives as our representatives; and

WHEREAS, the United States Marines who served in Lebanon made the sacrifice of leaving their families and loved ones; and

WHEREAS, the United States Marines and U.S. Navy support personnel from the State of Alabama who have given their lives for these very ideals of democracy are: Marine Lance Corporals James Christopher Price, Ferrandy Henderson, William Stelpflug and Jeffrey Todd Hattaway; Marine Corporals Leonard Walker, Terry Hudson, Henry Townsend and Shannon Biddle; Navy Corpsman Jimmy Ray Cain; and Navy Lieutenant John R. Hudson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That acting upon the request of the fifth and sixth grade students participating in the gifted program of the Dothan City Schools, and acting on behalf of the State of Alabama, we hereby express appreciation to those Americans who served in Lebanon for the aforementioned ideals of democracy that we too often take for granted; we further extend sincerest sympathy to the families of those who gave their lives in the cause of freedom.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to the television stations (WTVY and WDHN), to the press representatives of The Dothan Eagle and The Dothan Progress, to the Dothan City Commissioners, and to the Dothan Board of Education.

Which was read and referred to the Standing Committee on Rules.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 76. To further regulate and control transactions in alcoholic beverages which take place in Alabama by and under the supervision of the Alabama alcoholic beverage control board; to authorize municipal option elections to determine classification of municipalities as wet or dry municipalities as to alcoholic beverages; to provide that any municipality having a population of 6,000 or more located in a dry county, may change its classification from dry to wet or wet to dry by a municipal option election, upon the petition of 10% of the number of registered voters in said municipality; to provide for the manner and requirements of holding said municipal option election and for payment of the expenses of same; and to provide that a period of not less than 720 days must elapse between the dates of such municipal option elections.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 219. To repeal Section 34-6-8, Code of Alabama 1975, which prohibits the operation of pool or billiard tables outside of an incorporated city or town having a police force, to repeal Section 34-6-4, Code of Alabama 1975, relating to hours when billiard rooms may be operated; to provide for the hours a billiard room may operate and to provide that the county commission may promulgate rules regarding billiard rooms operating in the county and fix certain license fees.

CHARLES BISHOP,
Chairperson.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 40

S. J. R. 41

S. J. R. 42

S. J. R. 43

S. J. R. 51

S. B. 22

S. B. 248

Delivered to the Governor, March 7, 1984, at 5:16 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 5:50 P.M., on motion of Senator Teague, in accordance with Motion and Joint Resolution heretofore adopted, and pending further consideration of S. B. 76, the Senate adjourned until Thursday, March 8, 1984, at 9 o'clock A.M.

TENTH LEGISLATIVE DAY**THURSDAY, MARCH 8, 1984**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by the Reverend Jack F. Douglas, Evangelist, First Baptist Church, Pelham, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Scott Davis, Calvary Christian School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Cabaniss	Ellis	Menton
Aldridge	Cooley	Figures	Mitchem
Amari	Corbett	Foshee	Parsons
Bailey	Covington	Goodwin	Pearson
Barron	deGraffenried	Hand	Sanders
Bedford	Denton	Hilliard	Smith (B)
Bedsole	Dial	Holmes	Smith (J)
Bennett	Dixon	Langford	Strong
Bishop	Drinkard	Little	Teague

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JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Ninth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Ninth Legislative Day was approved by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 159. To repeal Act No. 81-889, S. 32 of the 1981 First Special Session, (Acts 1981 Special Session, p. 25), which proposes a Constitutional

Amendment on budgetary matters and the legislative process.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 159. To repeal Act No. 81-889, S. 32 of the 1981 First Special Session, (Acts 1981 Special Session, p. 25), which proposes a Constitutional Amendment on budgetary matters and the legislative process.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Drake and Clark (J):

H. J. R. 91. CREATING A JOINT LEGISLATIVE-JUDICIAL COMMITTEE TO STUDY, DEVELOP PLANS, AND MAKE RECOMMENDATIONS FOR A NEW JUDICIAL BUILDING FOR THE STATE OF ALABAMA.

WHEREAS, there appears to be a critical need for an adequate building to house the appellate courts of the Judicial Department of the State of Alabama; and

WHEREAS, this need has been recognized for almost twenty (20) years by various organizations and groups, including members of the Legislature, the National Center for State Courts, the Permanent Study Commission on Alabama's Judicial System, and the Alabama State Bar:

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that there is hereby created a joint legislative-judicial committee to study the need for and to develop plans and make recommendations for the location and the construction of a new judicial building to be located at the seat of state government in the City of Montgomery, Alabama, in order to maximize the efficiency and productivity of both the judicial and administrative functions of the appellate courts of the state.

The committee hereby established shall be composed of twelve (12) members as follows: the Lieutenant Governor; the Speaker of the House of Representatives; and the Chief Justice of the Supreme Court, by virtue of their respective offices; and three (3) members of the State Senate to be appointed by the Lieutenant Governor, as the presiding officer thereof;

three (3) members of the House of Representatives to be appointed by the Speaker; and three (3) members of the judiciary to be appointed by the Chief Justice. A chairman, a vice chairman, and secretary shall be elected from the members of the committee at the organizational meeting of the committee which organizational meeting shall be called within ten (10) days after all of the members of the committee are appointed and shall be presided over by the Chief Justice.

Legislative members, including the Lieutenant Governor, shall receive their regular legislative compensation, per diem, and travel expenses for attendance at committee meetings when the Legislature is not in session, to be paid from funds appropriated to the Legislature. Judicial members of the committee shall receive no additional compensation for attending meetings of the committee, but shall be allowed per diem and travel expenses as authorized by law.

The committee or subcommittees thereof shall be authorized to visit and study the judicial building facilities of other states as may be authorized by the chairman of the committee, and such members shall be reimbursed their actual and reasonable travel expenses as authorized by law for out-of-state travel.

The Building Commission of the State, its officers, employees, and agents, including its architectural and technical employees, are hereby authorized and directed to cooperate with and assist the committee in its study, recommendations, and development of plans, including recommendations of a suitable location for such judicial building.

The committee shall meet from time to time at the call of its chairman and shall make and submit a formal written report or reports to the Legislature as to its findings and recommendations, such reports to be submitted at the next regular session of the Legislature, unless otherwise extended by joint resolution of the Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 91, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Black:

H. J. R. 112. COMMENDING MR. AND MRS. LAWRENCE LEVI DELAINE ON THE CELEBRATION OF THEIR 64TH WEDDING ANNIVERSARY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 112, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Ford:

H. J. R. 10. MEMORALIZING GOVERNOR WALLACE TO RE-ACTIVATE THE THIRD ALABAMA VOLUNTEER CAVALRY CORPS AS A UNIT OF ALABAMA'S NATIONAL GUARD.

Also:

By Reps. White (F) and Rice:

H. J. R. 109. URGING CONGRESS TO ADOPT SCHOOL PRAYER AMENDMENT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 10 and 109, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Ford and Coleman:

H. J. R. 67. CREATING A JOINT INTERIM LEGISLATIVE CHILDREN AND YOUTH STUDY COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Interim Legislative Children and Youth Study Committee. The committee is to be composed of eight (8) members; four (4) to be appointed by the President of the Senate from Senate membership and four (4) House members which consist of the Representatives who attend the Southern Legislators' Conference on Children and Youth at Williamsburg. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee.

The committee shall study all aspects concerning law that would affect children from birth through adolescence. Areas of interest should emphasize, but not be limited to, day care, child labor laws, abuse, safety, health, mental health, crippled children's service and justice.

The National Conference of State Legislatures Advisory Committee on Children and Youth has asked for this study to be conducted in Alabama as well as the Alabama Chapter of American Academy of Pediatrics.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's chairman. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel ex-

penses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman, provided, however, that members shall not receive additional Legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total of such expenses shall not exceed \$8,000.00.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 67, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Brakefield and Nicholson:

H. J. R. 110. COMMENDING MRS. JEANETTE GROSS GUTHRIE OF JASPER, ALABAMA, MOTHER OF THE YEAR 1984.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 110, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Venable:

H. J. R. 13. CREATING A JOINT INTERIM COMMITTEE TO STUDY ALABAMA'S ELECTION LAWS.

WHEREAS, Alabama's election laws contain many conflicting provisions which create confusion on the part of voters, poll workers and officials charged with the responsibility for carrying out elections; and

WHEREAS, election laws should provide qualified voters with an efficient and convenient method of casting ballots while assuring that each vote is fairly counted; and

WHEREAS, recent elections have highlighted some of the deficiencies of Alabama's election laws; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That in order to suggest to State Legislators sound, workable and fair laws for administering Alabama's elections, there is hereby created a Joint Interim Committee on Election Law Study, to be composed of six (6) members of the Legislature — three (3)

from the House, to be appointed by the Speaker of the House, and three (3) from the Senate, to be appointed by the Lieutenant Governor. It shall be the duty and function of the Committee to analyze the present Alabama election laws and to make such recommendations for legislation and constitutional revision which it considers necessary or desirable to enable the election officials of this state to better to meet and supply the needs and demands of the citizens of this state.

BE IT FURTHER RESOLVED, That the Committee shall report its findings no later than the fifth legislative day of the 1985 Regular Session. The Secretary of the Senate or Clerk of the House is hereby required to provide such personnel as the Committee shall deem necessary. Each member of the Committee shall be entitled to regular legislative compensation, per diem and travel expenses for each day he or she attends a meeting of the Committee which shall be paid out of funds appropriated to the use of the Legislature, provided, however, that members shall not receive additional legislative compensation or per diem when the Legislature is in session. The total amount of funds expended by the Committee in carrying out the study shall not exceed the sum of five thousand dollars (\$5,000.00). The Committee shall organize itself at the first meeting and elect from among its membership a Chairman and a Vice-Chairman.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 13, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Bowling:

H. J. R. 17. CREATING A SELECT JOINT COMMITTEE TO STUDY AND REVIEW ALL REGULATIONS, POLICIES AND PROCEDURES OF ALL WELFARE, INCLUDING OLD AGE PENSION PROGRAMS, MEDICAID AND SOCIAL PROGRAMS FUNDED OR ADMINISTERED BY THE STATE OF ALABAMA, FOR THE PURPOSE OF RECONSTRUCTING SAME TO ELIMINATE ABLE-BODIED, AND THEREFORE INELIGIBLE, RECIPIENTS OF PUBLIC FUNDS.

WHEREAS, the funding for Alabama's various welfare, including old age pension programs, and social programs, as well as Medicaid, continue to take a larger and larger portion of the funds in our state treasury; and

WHEREAS, the costs of such programs have continued to rise at such an alarming rate that the working men and women in Alabama can hardly support their own families, much less those people who can work but refuse to do so; and

WHEREAS, with welfare fraud and medicaid abuse running rampant nationwide, the State of Alabama has no reason to expect that such abuse does not exist in our own state; and

WHEREAS, it is the intent of the Alabama Legislature that the hard-pressed taxpaying citizens of Alabama no longer be expected to foot the bill

for able-bodied individuals who exert themselves only once a month to endorse and cash a check or receive their benefits provided by the responsible hard-working taxpayers of Alabama; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint select committee to be composed of three members of the House and three members of the Senate to be appointed by the presiding officer of each respective house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The Committee shall thoroughly study and investigate the programs, policies, regulations and procedures of all welfare, medicaid and social programs, funded or administered by the State of Alabama, for the purpose of reconstructing same in order to both eliminate those able-bodied individuals who are ineligible for benefits and to reduce payments in those cases in which overpayment can be shown.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the 15th legislative day of the 1985 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Total expenditures of the committee shall not exceed \$9,000.00 per annum.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 17, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown, and as amended has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 56. RELATIVE TO INVITING PRESIDENTIAL CANDIDATE GARY HART TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Teague, the Senate concurred in and adopted the following House amendment to the Resolution, S. J. R. 56, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. J. R. 56

Amend S. J. R. 56, line 15, by deleting 2 p.m. and inserting in lieu thereof 10 a.m.

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolution with the original Senate Joint Resolution, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 73. REQUESTING PRESIDENTIAL CANDIDATE WALTER MONDALE TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

CHARLES BISHOP,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

RESOLUTION

Senator Dixon offered the following Senate Resolution, to-wit:

S. R. 84. DIRECTING THE GOVERNOR TO PROVIDE INFORMATION REGARDING CONSULTANTS EMPLOYED BY THE STATE.

BE IT RESOLVED BY THE SENATE OF ALABAMA, That within two legislative days after the enactment of this resolution the Governor shall provide the Secretary of the Senate with a list of all consultants employed by the state or compensated with any public funds. The list shall include: the consultant's name, address, the state agency or entity employing the consultant and the cost of such employment to the state. For the purposes of this act the term "consultant" shall include, but not be limited to, persons providing legal, financial, scientific, engineering, construction or environmental advice.

BE IT FURTHER RESOLVED, That the Governor shall provide to the Legislature the information provided herein regarding each consultant employed by the state subsequent to the enactment of this resolution.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 218. Relating to Cleburne County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, abolishing the offices of tax assessor and tax collector, repealing conflicting laws;

and providing for a referendum thereon.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Johnson (Roy):

H. 454. To amend § 40-23-7, Code of Alabama 1975, so as to revise the payment schedule to require that payers of large State sales tax liabilities will pay on an estimate basis during the period in which the tax liability accrues and to provide for distribution of the revenues.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 454. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Johnson (Roy) (With Notice and Proof):

H. 76. To promote the maintenance of Tuscaloosa County's natural beauty by eliminating unsightly and unhealthy litter; to provide for the dissemination in Tuscaloosa County of information pertaining to laws relative to littering and penalties therefore; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant authority to the Tuscaloosa County Commission or other like governing body to establish and appoint, for the enforcement of littering laws in Tuscaloosa County, an agency and person empowered with the authority of peace officers as defined by state law for the primary purpose of enforcing littering laws and other laws relating to littering in Tuscaloosa County; to grant authority to the Tuscaloosa County, and to provide for a means to plea to the public to heed such laws and to help eliminate littering such county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 76, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Lauderdale, Newman, and Britnell (With Notice and Proof):

H. 387. Relating to Marion County, to provide further for the compensation of the coroner.

REGULAR SESSION
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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 387, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Black (With Notice and Proof):

H. 458. Relating to Sumter County; to repeal Act No. 83-66, H. 21, 1983 First Special Session, approved February 2, 1983, relating to employment by the sheriff of deputies sheriff and a secretary.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 458, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Goodwin, Clark (D), and Starkey (With Notice and Proof):

H. 491. Relating to procedures for selling and redeeming lands for taxes in Lauderdale County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 491, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Laird (With Notice and Proof):

H. 482. To authorize the Clay County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 482, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. McKee (With Notice and Proof):

H. 434. Relating to Montgomery County; to redivide said county into districts for the purpose of electing the county commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 434, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Stand-

ing Committee, as follows:

H. B.'s 76, 387, 458, 491, 482, and 434. To the Committee on Local Legislation No. 1.

RESOLUTIONS

Senators Pearson, Bennett, Hilliard, Cabaniss, and Parsons offered the following Senate Joint Resolution, to-wit:

S. J. R. 85. COMMENDING COACH GENE BARTOW OF THE UNIVERSITY OF ALABAMA-BIRMINGHAM.

WHEREAS, the Alabama Legislature, in consensus of highest praise, extends its congratulations to Coach Gene Bartow of the University of Alabama-Birmingham; and

WHEREAS, during the 1983-84 basketball season and while leading his Blazers to UAB's third Sun Belt Conference Tournament Championship, Coach Bartow recorded his 400th career victory, a milestone win which places him in a very select group of America's most successful college basketball coaches; and

WHEREAS, during the last four years at UAB, Coach Bartow has produced three 20-game winners; he also has coached the first team ever to win three consecutive Sun Belt Conference Tournament Titles—1982, 1983 and 1984—and has coached the first state school ever to appear in four consecutive NCAA Tournaments—1981 through 1984; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express utmost commendation of Coach Gene Bartow of the University of Alabama-Birmingham; we further congratulate Coach Bartow on his outstanding career and direct that he receive a copy of this resolution in small token of our warmest personal regard.

On motion of Senator Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Pearson, Bennett, Hilliard, Cabaniss, and Parsons offered the following Senate Joint Resolution, to-wit:

S. J. R. 86. COMMENDING AND CONGRATULATING THE 1983-84 UAB BLAZERS, SUN BELT CONFERENCE TOURNAMENT CHAMPIONS.

WHEREAS, on behalf of the entire State of Alabama, we today express highest commendation and extend heartiest congratulations to the 1983-84 UAB Blazer Basketball Team; and

WHEREAS, the UAB Blazers, big 23-game winners for '83-'84, also clinched the UAB Classic Tournament with a 81-76 victory over Villanova in three overtimes; and

WHEREAS, further, the mighty UAB cagers made it three in a row, blazing their way to their third consecutive Sun Belt Conference Title, successively defeating South Alabama, 76-68; Virginia Commonwealth, 54-52; and Old Dominion in the finals, 62-60; and

WHEREAS, it is also to be noted that this was the Blazers' fourth consecutive NCAA Tournament appearance, and their fifth post-season appearance in only six seasons of competition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we stand in tribute to Alabama's own Sun Belt Conference Tournament Champions, the 1983-84 UAB Blazer Basketball Team; we further congratulate the entire team and Coach Gene Bartow on their spectacular season and direct that they receive copies of this resolution, expressing the Legislature's pride in their accomplishments.

On motion of Senator Pearson, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Pearson, Bennett, Hilliard, Cabaniss, and Parsons offered the following Senate Resolutions, to-wit:

S. R. 87. COMMENDING COACH GENE BARTOW OF THE UNIVERSITY OF ALABAMA-BIRMINGHAM.

Also:

S. R. 88. COMMENDING AND CONGRATULATING THE 1983-84 UAB BLAZERS, SUN BELT CONFERENCE TOURNAMENT CHAMPIONS.

Which were adopted.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Little:

S. 421. To amend Section 38-7-2, Code of Alabama 1975, which relates to the licensing of child care facilities, so as to further define certain terms.

Committee on Education.

By Senators Covington and Foshee:

S. 422. Providing a supplement to the salary of the district attorney of the 12th judicial circuit to be paid in equal parts by the counties composing the circuit.

Committee on Buildings and Grounds.

By Senator Teague:

S. 423. To provide fourteen percent, or other percent as provided herein, cost-of-living increase for certain personnel in public education for the fiscal year ending September 30, 1985.

Committee on Finance and Taxation.

By Senator Parsons:

S. 424. To require insurance companies which write liability insurance for automobiles, products, medical practitioners, and governmental sub-divisions to include in their annual reports to the Commissioner of Insurance a breakdown of policy premiums, claims information, underwriting income and loss, investment income, expenses, and other information which bears upon the profitability of business in this state, and to repeal conflicting laws.

Committee on Governmental Affairs.

By Senators Corbett, Cooley, Drinkard, Teague, Langford, Bedford, Bennett, Strong, Denton, Foshee, and Hand:

S. 425. To provide for certain payroll deductions for full-time firefighters employed by political subdivisions in this state.

Committee on Business and Labor
Relations.

By Senator Little:

S. 426. To make legislative findings regarding the need to provide additional methods of providing wastewater treatment facilities as well as the need for funds to finance such facilities; to define the particular terms used in the subsequent provisions of this act; to provide for and authorize the incorporation by any county or municipality in the state of one or more public corporations and instrumentalities of the state, upon the filing of an application with, and the making of certain determinations by, the governing body of a county or municipality; to provide for and authorize the certificate of incorporation of any such corporation to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such county or municipality; to provide for a board of directors of any such corporation and the election and removal of the members thereof; to authorize any such corporation to acquire, construct, own, lease, operate, or enter into contracts for the operation of, wastewater treatment facilities, and to provide for the general powers to be exercised by any such corporation and the conditions under which such powers may be exercised; to authorize any such corporation to sell, under installment sales agreements or other contractual arrangements satisfactory to the corporation, any wastewater facility of the corporation, and to grant options to purchase any such facility; to empower any such corporation to enter into long-term exclusive contracts for the receiving, treatment and disposal of pollutants; to empower any such corporation to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds and other obligations payable solely out of the revenues, receipts, income, funds or other sources (including installment sales agreements) specified in the proceedings under which such bonds, notes or other obligations are issued; to authorize any such corporation to pledge its revenues and income (including amounts to be received under installment sales or other contractual arrangements) and mortgage or assign its assets as security for its notes, bonds or other obligations; to provide for the issuance of refunding bonds, notes or other obligations by any corporation for the purpose of refunding bonds, notes or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such corporation; to provide that the notes, bonds or other obligations of any such corporation shall not constitute or create a debt of the state or any county, municipality or other political subdivision or agency thereof; to provide that the notes, bonds and other obligations of any such corporation may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the state the property, corporate activities, revenues and income of such corporation, such transaction or actions to which each such corporation is a party or in which it may be involved, and the notes, bonds and all other obligations of each such corporation and the income from such notes, bonds and obligations; to exempt any such corporation from all laws of the state governing usury or prescribing or limiting interest rates; to exempt any such corporation from all laws of the state requiring competitive bids for contracts to be entered into by

municipalities or public corporations; to provide for liberal construction of the provisions of this act; to confer upon any corporation organized under the provisions of this act the power of eminent domain; to exempt any corporation organized under the provisions of this act from state supervision and control; to provide that any county, municipality or other political subdivision, agency or instrumentality of the state or any county or municipality may aid and cooperate with any such corporation, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to authorize any county, municipality or other political subdivision, agency or instrumentality of the state or any county or municipality to enter into contracts, for a term not exceeding thirty (30) years; providing for the delivery to the corporation of pollutants and payments by such entity to the corporation; to provide that such entity may be required to make payments to such corporation with respect to such disposal and treatment of pollutants even though such corporation is at the time such payment is to be made unable to effect such treatment and disposal or such entity is at the time such payment is to be made unable to deliver such pollutants; to provide that to the extent that such contracts recite that the amounts payable thereunder shall be payable annually out of the general operating funds of such entity then such contracts shall not constitute a debt of any county, municipality or political subdivision, agency or instrumentality; to provide that any such corporation shall be a not-for-profit corporation; to provide that any such corporation may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes or other obligations by such corporation, and to provide that any action or proceeding questioning the validity of any such bonds, notes or other obligations or instruments securing the same must be commenced within thirty (30) days after the first publication of said notice; to provide for the dissolution of any such corporation and for the vesting of title to its properties; and to provide that the provisions of this act shall be severable.

Committee on Finance and Taxation.

By Senator Barron:

S. 427. To provide further for the assessment and collection of ad valorem taxes on certain real property which has been improved with a new residential structure constructed for re-sale.

Committee on Finance and Taxation.

By Senators Drinkard and deGraffenried:

S. 428. To authorize fiduciaries to invest in and hold, in addition to any other investments authorized by law, interests in any common trust fund or collective investment fund maintained by any financial institution having trust powers or in securities of or other interests in any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, provided that the portfolio of such fund, company or trust is limited to the classes of trust investments allowed by law.

Committee on Banking and Insurance.

By Senator Bedsole (With Notice and Proof):

S. 429. Relating to any Class 2 municipality; providing for a referendum on the question of adoption of a mayor-council form of government, a council-manager form of government, or the mandated district-commission

form of government; establishing in the alternative said forms of government; and providing for penalties for violations of certain provisions of this Act.

Committee on Local Legislation No. 3.

I hereby certify that the notice and proof is attached to the Bill, S. B. 429, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Goodwin, Strong, and Teague:

S. 430. To provide for the payment of tuition and the cost of textbooks for an undergraduate student in a state college, state community college, state junior college, state technical college, or state university, who is the dependent child or spouse who has not remarried, of a law enforcement officer or firefighter killed in the line of duty; to create a Tuition Eligibility Board to administer the provisions of the act and appointments and memberships; and to prescribe its composition, duties and responsibilities; to appropriate sufficient funds from the general fund of the state treasury; and to specifically repeal Act No. 82-277, S. 237 of the 1982 Regular Session (Acts 1982, p. 348), which is the "Policeman's Survivor Act" and conflicting laws; and to make the provisions retroactively effective.

Committee on Finance and Taxation.

By Senator Parsons:

S. 431. To amend Section 36-21-2, Code of Alabama 1975, relating to subsistence allowance for certain state law enforcement officers, so as to include court bailiffs; to provide that such subsistence shall be cumulative to any and all other compensation now received by bailiffs and specifically Section 12-17-311, Code of Alabama 1975.

Committee on Finance and Taxation.

By Senator Bennett:

S. 432. To provide in addition to benefits now received, a fixed cost-of-living increase to all surviving beneficiaries of members of the Employees' Retirement System of Alabama who became eligible for such benefits prior to October 1, 1982, however, no survivor beneficiary of an employee under the Employees' Retirement System whose benefits are based primarily upon service as an employee of an employer participating under Section 36-27-6, Code of Alabama 1975, shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this Act; to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; and to provide for repeal of conflicting laws.

Committee on Finance and Taxation.

By Senator Foshee:

S. 433. To provide for the payment of an expense allowance to members of the board of directors of any Waterworks or Sewer Board heretofore or hereafter organized pursuant to the statute now codified as Sections 11-

50-230 to 241, Code of Alabama 1975.

Committee on Buildings and Grounds.

REPORTS OF COMMITTEES

Senator Denton, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Foshee, Corbett, Parsons, Covington, Bennett, Dial, Cabaniss, and Amari:

S. 321. To establish service territories for electric suppliers within the State; to provide the means of eliminating or reducing the potential for duplication of electric distribution facilities used for furnishing retail electric service; to mandate and implement the determination of which electric supplier shall furnish retail electric service to electric customers within various areas of the State including areas within present and future corporate limits of municipalities; to provide that the primary electric supplier within each municipality in the State shall have the right, at its option, to purchase all distribution facilities of any secondary electric supplier used to supply retail electric service within the existing municipal limits and have the right to serve all premises within the existing municipal limits, subject to certain conditions; to define the right and obligation of municipalities and municipally-owned electric suppliers to provide electric service in areas outside the existing municipal limits; to provide for resolution of disputes between electric suppliers regarding sale or purchase of electric facilities; to provide for the applicability of certain provisions of Title 37, Code of Alabama (1975); to provide exemptions from the provisions of this Act for certain agreements between electric suppliers; to prohibit the providing of electric service in violation of this Act; to provide for judicial review and validation of the provisions of this Act by the courts and sets out procedures governing such proceedings and appeals therefrom; provides that the provisions of the Act are not severable and that if any provision is declared invalid under state law, the remaining provisions also shall be invalid, and further provides that if the Act is declared invalid, any actions taken by any party in conformity with the provisions of the Act shall be lawful but that any electric service rendered pursuant to the provisions of the Act shall be terminated; and to repeal all laws or parts of laws in conflict herewith.

Senator Pearson, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Parsons (With Notice and Proof):

S. 381. To further amend Section 1 of Act No. 458, H. 1175, Regular Session 1975, Acts of Alabama, as amended, relating to the election of certain assistant county officials in Jefferson County to serve in the branch offices in the City of Bessemer so as to remove the provisions relative to the assistant probate judge.

By Senator Hilliard (With Notice and Proof):

S. 393. To provide a supplemental salary for the elected deputy circuit clerk serving the Bessemer Cut-Off Division of the Tenth Judicial

Circuit.

Senator Pearson, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Rep. Rogers (With Notice and Proof) (With Substitute) (With Amendments):

H. 13. To make certain legislative findings regarding horse racing and pari-mutuel wagering thereon in the City of Birmingham; to define the particular terms used in the substantive provisions of this Act; to authorize the creation of a racing commission in Birmingham; to provide for a referendum of the voters of the county on the question of whether this Act will become effective in the county; to provide that horse racing and pari-mutuel wagering thereon shall be lawful in Birmingham; to provide for the designation or appointment and the terms of office of the members and officers of the commission; to provide for and authorize the incorporation of the commission upon the filing by the members thereof of an application with the Secretary of State; to specify the general powers and duties of the commission, including the power to adopt rules and regulations governing diverse aspects of horse racing, the exposure of the public thereto, and the conduct of pari-mutuel wagering thereon; to provide for the issuance by the commission of licenses for owners and operators of racing facilities; to prescribe the methods for applying for such licenses, the manner in which such applications are to be reviewed by the commission, and the terms and conditions upon which such licenses shall be granted and held; to provide for the suspension or revocation of any such license; to provide for the issuance by the racing commission of permits to companies and individuals engaged in certain activities related to horse racing; to prescribe the method for applying for such permits and the manner in which such applications are to be reviewed by the racing commission; to provide for the suspension or revocation of any such permit; to authorize and provide rules for the conduct of pari-mutuel wagering on horse racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools which are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of a license fee for pari-mutuel wagering by each licensed operator to the racing commission licensing such operator and to specify the method for determining the amount of any such fee; to provide that the racing commission may enter into contracts with licensed operators to establish limits on the license fees payable by such operators and that any such contract shall not be impaired by a subsequent Act of the Legislature; to authorize the racing commission to make rules and regulations under which television or radio coverage of racing events held outside the state may be transmitted to racing facilities governed by the racing commission and made the subject of pari-mutuel wagering under the provisions of this Act; to authorize any the racing commission to make rules and regulations under which television or radio coverage of racing events held at racetracks under the jurisdiction of the commission may be transmitted for the entertainment of the public or for the purpose of pari-mutuel wagering at locations outside the state; to provide that a specified percentage of total pari-mutuel wagering revenues shall be used for purses to be paid to the owners of horses competing in races; to provide for the establishment by the racing commission of a special fund for the purpose of promoting the breeding, raising and racing of thoroughbred and standardbred horses in the state, to specify the source and amounts of moneys for such fund, to specify certain purposes for which the moneys in

such fund shall be used, and to authorize the racing commission to make rules and regulations for the administration of such fund and the disbursement of moneys therefrom; to specify the purposes for which the net revenues of each racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to prohibit certain activities related to racing events; to provide that the provisions of this Act shall be severable; to provide that this Act shall govern in the event of a conflict between its provisions and existing laws; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise horse racing and pari-mutuel wagering thereon in the City of Birmingham.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Teague (With Notice and Proof):

S. 108. To authorize the Talladega County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

By Senator Cooley (With Notice and Proof):

S. 245. Relating to Cullman County; authorizing a procedure whereby the sheriff is authorized to offer for public auction to the highest bidder for cash abandoned and stolen personal property which has been recovered by the sheriff's department of the county and stored by said department but which has been unclaimed after six (6) months; providing that such auctions are to be made after notice of the time and place thereof shall have been given publication once a week for two weeks in a newspaper of general circulation published in Cullman County, or by posting in a conspicuous place at the county courthouse; providing that the first publication or posting of said notice shall be twenty days before the said auction; providing a procedure for the conduct of said auction; providing that the owner of any of the abandoned or stolen property recovered and stored by the sheriff may redeem the same at any time prior to its sale by paying any reasonable storage or maintenance costs incurred and a pro rata cost of publication and further providing that after deducting and paying all expenses incurred in storing or auctioning the said property, all proceeds from the sale of said property shall be paid into the general fund of the county.

By Senator Cooley (With Notice and Proof):

S. 246. Relating to Cullman County; to provide for a special recording fee on documents filed in the office of the judge of probate; to provide that such special recording fee be used for the purpose of acquiring and maintaining electronic data processing equipment for the office of the judge of probate.

By Senator Cooley (With Notice and Proof):

S. 247. Providing full-time status for the associate county commissioners of Cullman County; providing certain salaries for such commissioners and prescribing realms of responsibility relating to the county road pro-

gram for such commissioners.

By Senator Cooley (With Notice and Proof):

S. 249. Relating to Cullman County; providing for the compensation of the sheriff, the judge of probate, the revenue commissioner, the coroner and the chairman of the county commission and providing a certain annual expense allowance for the court reporters of the thirty-second judicial circuit.

By Senator Cooley (With Notice and Proof):

S. 250. Relating to selling and redeeming lands for taxes in Cullman County, Alabama.

By Senator Cooley (With Notice and Proof):

S. 251. Relating to Cullman County; authorizing any town or municipality in said county to regulate the business hours of game and billiard rooms either by ordinance, rule or regulation or by license fees.

By Rep. Venable (With Notice and Proof):

H. 91. Relating to Coosa County; providing for the establishment of a consolidated and unified system of assessment and collection of taxes under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor and tax collector in Coosa County; repealing conflicting laws; providing for a referendum and prescribing the effective date of this act.

By Rep. Johnson (R.G.) (With Notice and Proof):

H. 175. To provide for purging the lists of registered voters in Talladega County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars, judge of probate and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

By Rep. Blake (With Notice and Proof):

H. 330. To provide for the salary of the probate judge of St. Clair County and to provide for retroactive effect.

By Rep. Blake (With Notice and Proof):

H. 331. Relating to St. Clair County; to provide for additional expense allowances for certain county officials.

By Rep. Preuitt:

H. 377. Proposing an amendment to the State Constitution relating to Talladega County; to provide for the levy, collection and distribution of a privilege or license tax upon persons and businesses conducting professional sporting contests or events; to provide for the collection of the revenues from said tax; to provide for exemptions; and to provide for penalties for violations.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Onderdonk (With Notice and Proof):

H. 127. Relating to Washington County; providing further for the compensation of members of the county commission; prescribing that the members of the Washington County Commission, except the chairman, shall serve full time as such officers; providing for all fees, commissions or other charges heretofore collected and paid into the county general fund; specifically repealing Act No. 79-181, H. 311, Regular Session 1979 (Acts 1979, p. 291), Act No. 83-585, H. 38, Regular Session 1983, only to the extent these relate to the expense allowances and salary of the members of Washington County Commission, except the chairman, and all laws or parts of laws which provide expense allowances, salary or other compensation for said members are hereby repealed; and providing for an effective date.

By Rep. Onderdonk (With Notice and Proof):

H. 128. Relating to Washington County; to provide that the sheriff shall be entitled to the allowances payable by the State, county or municipalities for feeding prisoners housed in the Washington County Jail; and to provide that the provisions of this Act shall be retroactive to January 18, 1983.

By Rep. Onderdonk (With Notice and Proof):

H. 129. Relating to Washington County; to provide for the rehabilitation of certain persons, both male and female, convicted of certain types of crimes and sentenced to a term of confinement in certain jails in the county, and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this Act; to provide further for the carrying out of the provisions of this Act.

Senator deGraffenried, Chairperson of the Standing Committee on Constitutional Revision, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Drinkard:

S. 389. To propose an amendment to Amendment No. 432 of the Constitution of Alabama of 1901, relating to fire protection districts in Etowah County, so as to provide for the levy and collection of additional property tax for fire protection in such districts.

The above Bill was read a second time at length as required by the Constitution.

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed at the end of the Regular Order Calendar for today, to-wit:

By Senators Dixon and Aldridge (With Amendment):

S. 212. To amend the Dental Practice Act, Sections 34-9-1, 34-9-6, 34-9-9, 34-9-17, 34-9-18, 34-9-19, 34-9-22, 34-9-27, 34-9-29, 34-9-40, 34-9-41 and 34-9-43 of the Code of Alabama 1975, so as to regulate further the practice of dentistry and dental hygiene; to regulate further the board of dental ex-

aminers; and to provide sanctions.

By Senator Holmes:

S. 18. To create, within the office of the Governor, an Alabama Small Business Office of Advocacy to serve as the principal advocate in the state on behalf of small businesses, including advisory participation in the consideration of legislation and administrative regulations affecting small businesses; to specify the functions and duties of the office; and to require the office to submit an annual report to the Governor and the legislature describing the activities and recommendations of the office.

RECESS

At 10 o'clock A.M., Senator deGraffenreid moved that the Senate take a recess for the purpose of the Joint Session to hear the message of Presidential Candidate Gary Hart, and further moved, that at the completion of the Joint Session, the Senate reassemble in the Senate Chamber, which motion was adopted.

JOINT SESSION

At 10 o'clock A.M., in accordance with S. J. R. 56, the Senate repaired to the Hall of the House of Representatives for the purpose of hearing the message of the Honorable Gary Hart.

The Session was called to order by Lieutenant Governor Baxley, President and Presiding Officer of the Senate. A quorum of the Legislature was present.

Thereupon, Gary Hart was escorted to the Chair and delivered his message to the Legislature of Alabama.

The purpose of the Joint Session having been accomplished, at 11:05 A.M., the Senate reassembled in its Chamber and was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 106. INVITING PRESIDENT RONALD REAGAN AS A PRESIDENTIAL CANDIDATE TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

BILLS ON THIRD READING

Pursuant to Section 41-20-10 of the Code of Alabama, 1975, the Senate

proceeded to further consideration of the Bill:

S. 30. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Cosmetology as provided in Sections 34-7-1 through 34-7-47, Code of Alabama 1975, and the legislature's concurrence thereof.

having been postponed on the Ninth Legislative Day, was again taken up.

Senator Bailey offered the following substitute No. 3 for the Bill, S. B. 30, to-wit:

SUBSTITUTE FOR S. B. 30

**A BILL
TO BE ENTITLED
AN ACT**

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Cosmetology as provided in Sections 34-7-1 through 34-7-47, Code of Alabama 1975, with certain modifications, to amend Section 34-7-40 so as to alter the board's composition.

Be It Enacted by the Legislature of Alabama:

Section 1. It is declared that pursuant to the Alabama Sunset Law, Sections 41-20-1 through 41-20-16, Code of Alabama 1975, as amended, the Sunset Committee entered upon its duties, held public hearings, received testimony from the public and all interested parties relating to the continued existence and functioning of the Alabama Board of Cosmetology, and voted to recommend the continuance of the board created and functioning pursuant to Sections 34-7-1 through 34-7-47, Code of Alabama 1975, with the additional recommendations for statutory changes of the board set out in Section 3 hereof.

Section 2. The existence and functioning of the Alabama Board of Cosmetology pursuant to Sections 34-7-1 through 34-7-47 of the Code of Alabama 1975 are hereby continued.

Section 3. Section 34-7-40, Code of Alabama 1975, is hereby amended to read as follows:

“§ 34-7-40.

“(a) There is hereby created the Alabama board of cosmetology which shall consist of ~~seven~~ eight members ~~persons~~ appointed by the governor, one from each congressional district, and one appointed at-large, all of whom shall be active licensed cosmetologists. The terms of office for this board shall be: seven appointed on October 1, 1981, one for a period of one year, two for a period of two years, two for a period of three years and two for a period of four years. The eighth appointment and all subsequent appointments shall be for a period of four years. No person shall serve for more than two consecutive four-year terms on the board. Vacancies on the board shall be filled by the governor for the unexpired terms subject to confirmation by the Senate.

“(b) The members of the board must have had at least five years practical experience in the majority of the practices of cosmetology. Board members shall be appointed for terms of five years. Vacancies on the board shall be filled by the governor for the unexpired terms. Only one member of the board shall be a member of or affiliated with a school of cosmetology. Said board may do all things necessary and convenient for enforcing the provi-

sions of this chapter. The board may from time to time promulgate necessary rules and regulations compatible with the provisions of this chapter. Any board member may be removed by the governor for just cause.

“(c) The board shall publish all its rules and regulations, together with a copy of this chapter and its amendments, and distribute the same to all licensees affected by the same. Amendments and changes in said rules and regulations shall likewise be published by the board and distributed to the licensees hereunder. The rules and regulations so published and distributed must be retained in each shop or school licensed by the board and must be available at all times to personnel in each shop or school and available to the general public where interest is manifested.

“(d) No rule or regulation of the board, or amendment or repeal of an existing rule or regulation, shall be effective until 20 days after written notice thereof shall have been given to each beauty shop owner and cosmetology school licensed under this chapter, but the failure of any such persons to receive the notice shall not invalidate the rule or regulation, amendment or repeal, except upon proof that the failure to give the notice was a willful violation of this requirement.”

Section 4. The legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2 and 3 hereof.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator Holmes, said substitute was laid on the table.

Yeas 16; Nays 11.

Yeas:

Senators:	deGraffenried	Hand	Parsons	
Bedford	Denton	Hilliard	Pearson	
Bedsole	Ellis	Holmes	Sanders	
Cabaniss	Goodwin	Little	Smith (B)	
Cooley				—16

Nays:

Senators:	Bailey	Drinkard	Menton	
Aldridge	Barron	Foshee	Mitchem	
Amari	Corbett	Langford	Teague	—11

And said Bill, S. B. 30, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 30; Nays 0.

Yeas:

Senators:	Barron	Cabaniss	Denton
Aldridge	Bedford	Cooley	Dial
Amari	Bedsole	Corbett	Dixon
Bailey	Bennett	deGraffenried	Drinkard

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Ellis	Hilliard	Menton	Smith (B)	
Foshee	Holmes	Mitchem	Strong	
Goodwin	Langford	Parsons	Teague	
Hand	Little	Sanders		—30
Nays:				—0

Senator Parsons moved that the Senate reconsider the vote by which the Bill, S. B. 30, was passed, which motion was lost.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 76. To further regulate and control transactions in alcoholic beverages which take place in Alabama by and under the supervision of the Alabama alcoholic beverage control board; to authorize municipal option elections to determine classification of municipalities as wet or dry municipalities as to alcoholic beverages; to provide that any municipality having a population of 6,000 or more located in a dry county, may change its classification from dry to wet or wet to dry by a municipal option election, upon the petition of 10% of the number of registered voters in said municipality; to provide for the manner and requirements of holding said municipal option election and for payment of the expenses of same; and to provide that a period of not less than 720 days must elapse between the dates of such municipal option elections.

Senator Drinkard moved that the Bill, S. B. 76, be recommitted to the Standing Committee on Governmental Affairs.

On motion of Senator Teague, said motion was laid on the table.

POINT OF PERSONAL PRIVILEGE

Senator Drinkard asked the following question: "Was his motion to recommit said Bill, S. B. 76, to the Standing Committee on Governmental Affairs in order?"

The President and Presiding Officer of the Senate ruled that Senator Drinkard's motion to recommit was in order.

QUORUM CALL REQUESTED

At 1:55 P.M., Senator Parsons requested that the President and Presiding Officer ascertain the presence of a quorum.

On a call of the roll, the following Senators responded to their names:

Present:

Senators:	Corbett	Dixon	Little	
Barron	Covington	Drinkard	Parsons	
Bedsole	deGraffenried	Hand	Smith (B)	
Cabaniss	Denton	Hilliard	Strong	
Cooley	Dial	Langford	Teague	—19

FURTHER CONSIDERATION OF S. B. 76

The Senate proceeded to further consideration of the Bill, S. B. 76.

BILLS ON THIRD READING RESUMED

Senator Corbett received permission to suspend the Rules in order to bring up the Bill:

H. 323. Relating to the municipality of Phenix City, Alabama, so as to provide a procedure for the recall of city councilmen; to provide for the filling of offices vacated due to a recall election; to provide for a referendum regarding this act; to provide for implementation procedure and to provide for certain effective dates.

which was read a third time at length and passed.

Yeas 1; Nays 0.

Yea:

Senator: Corbett

—1

Nays:

—0

The President and Presiding Officer of the Senate declared that a quorum of the Senate was present but not voting.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 159. To repeal Act No. 81-889, S. 32 of the 1981 First Special Session, (Acts 1981 Special Session, p. 25), which proposes a Constitutional Amendment on budgetary matters and the legislative process.

Said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith a message from Governor George C. Wallace returning to you, the House from which it originated, House Bill # 159 as substituted without the Governor's signature and approval but with the following suggested Executive Amendment.

Done this 8th day of March, 1984.

Respectfully submitted,

ELVIN L. STANTON,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill # 159, as substituted, without my signature and approval but with the follow-

ing Executive Amendment:

EXECUTIVE AMENDMENT TO H. 159, AS SUBSTITUTED

On page 6, paragraph 6, line 3 the word "to" should be deleted and the word "not" should be substituted.

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Done this 8th day of March, 1984.

Respectfully,

GEORGE C. WALLACE,
Governor.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, by a vote of a majority of those voting, said vote being: Yeas 76, Nays 1.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of those voting, and said vote being: Yeas 70, Nays 12.

And said Bill, H. 159, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Senator Goodwin, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 159, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 19; Nays 1.

Yeas:

Senators:	Cooley	Foshee	Little
Bailey	Corbett	Goodwin	Parsons
Barron	deGraffenried	Hand	Smith (B)
Bedsole	Dial	Holmes	Strong
Bennett	Drinkard	Langford	Teague

—19

Nay: Senator: Cabaniss —1

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 159, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 21; Nays 2.

Yeas:

Senators:	Cooley	Hand	Mitchem
Bailey	Corbett	Hilliard	Parsons
Barron	Denton	Holmes	Smith (B)
Bedford	Drinkard	Langford	Strong
Bedsole	Foshee	Little	Teague
Bennett	Goodwin		

—21

Nays:

Senators:

Cabaniss

Dial

—2

which was a majority of the whole number elected to the Senate.

INTERIM COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 83-251, H. J. R. 8, Regular Session, the report of the Legislative Joint Interim Vocational Education Study Committee was read and ordered filed with the Secretary.

FURTHER CONSIDERATION OF S. B. 76

The Senate proceeded to further consideration of the Bill, S. B. 76.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 50. PETITIONING THE PRESIDENT OF THE UNITED STATES TO REESTABLISH OFFICIAL GOVERNMENTAL RELATIONS WITH THE REPUBLIC OF CHINA AND PETITIONING THE CONGRESS OF THE UNITED STATES TO TAKE ANY NECESSARY ACTION TO PROVIDE SPECIFIC SECURITY GUARANTEES FOR THE REPUBLIC OF CHINA.

Also:

S. J. R. 52. MOURNING THE DEATH OF MR. JAMES PARRISH COLEMAN OF FOLEY, ALABAMA.

Also:

S. J. R. 54. MOURNING THE DEATH OF BENNETT POWELL SINGLETON.

Also:

S. J. R. 55. CREATING THE TUSCALOOSA COUNTY ELECTED AND APPOINTED OFFICIALS SALARY COMMISSION.

Also:

S. J. R. 59. COMMENDING CENTRAL HIGH SCHOOL'S GIRLS BASKETBALL TEAM, STATE 4-A CHAMPIONS.

Also:

S. J. R. 61. MOURNING THE DEATH OF MR. MICHAEL HENRY McCARTNEY, PROMINENT GADSDEN, ALABAMA, BUSINESSMAN AND CIVIC LEADER.

Also:

S. J. R. 62. DIRECTING THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF HEALTH TO IMPLEMENT THE PROVISIONS OF SECTION 16-29-1, CODE OF ALABAMA 1975.

Also:

S. J. R. 64. COMMENDING THE PARTICIPANTS IN THE ALA-

BAMA STATE GYMNASTICS CHAMPIONSHIPS.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 76. COMMENDING THE TUSCALOOSA ACADEMY KNIGHTS, STATE APSA BASKETBALL CHAMPIONS.

Also:

S. J. R. 77. COMMENDING DR. JOHN W. KUYKENDALL OF AUBURN UNIVERSITY.

Also:

S. J. R. 78. RECOGNIZING THE OUTSTANDING SERVICE OF MR. RALPH BISHOP.

Also:

S. J. R. 79. RECOGNIZING THE OUTSTANDING SERVICE OF MR. JAMES W. (BILL) COWEN.

Also:

S. J. R. 82. NAMING THE AUDITORIUM-OFFICE BUILDING AT THE CHILTON AREA HORTICULTURE SUB-STATION, THE "C. C. 'CHICK' CARLTON BUILDING".

Also:

S. J. R. 85. COMMENDING COACH GENE BARTOW OF THE UNIVERSITY OF ALABAMA-BIRMINGHAM.

Also:

S. J. R. 86. COMMENDING AND CONGRATULATING THE 1983-84 UAB BLAZERS, SUN BELT CONFERENCE TOURNAMENT CHAMPIONS.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 42. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Liquefied Petroleum Gas Board as provided in Sections 9-17-100 through 9-17-110, Code of Alabama 1975, and the legislature's concurrence thereof.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 27. Relating to the existence and functioning of the state board of Social Work Examiners provided for in Section 34-30-50, et seq. of the Code of Alabama 1975, amends Section 34-30-29 so as to specify the period of time for continuing supervision of licensed bachelor social workers and amends Section 34-30-56 so as to require publications of notice of meetings.

Also:

S. 28. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Psychology as provided in Sections 34-26-1 through 34-26-48, Code of Alabama 1975, and the Legislature's concurrence thereof.

Also:

S. 29. Relating to the Alabama Sunset law; to continue the existence and functioning of the Alabama State Board of Public Accountancy as provided in Sections 34-1-1 through 34-1-22, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 31. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Funeral Service as provided in Sections 34-13-1 through 34-13-31, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 32. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Real Estate Commission as provided in Sections 34-27-1 through 34-27-38, Code of Alabama 1975, and the legislature's concurrence thereof.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 43. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Auctioneers as provided in Sections 34-4-1 through 34-4-54, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 44. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Nursing as provided in Sections 34-21-1 through 34-21-26, Code of Alabama 1975, and the legislature's concurrence thereof.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 33. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Alcoholic Beverage Control Board as provided in Sections 28-3-40 through 38-3-53, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 34. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Insurance Department as provided in Sections 27-2-1 through 27-2-55, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 35. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Securities Commission as provided in Sections 8-6-50 through 8-6-60, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 36. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Pilotage Commissioners as provided in Sections 33-4-1 through 33-4-14, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 37. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Public Service Commission as provided in Sections 37-1-1 through 37-1-157, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 38. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Professional Entomologists, horticulturists, plant pathologists, floriculturists and tree surgeons examining board as provided in Sections 2-28-1 through 2-28-12, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 41. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbing Examiners Board as provided in Section 40-12-145, Code of Alabama 1975, and the legislature's concurrence thereof.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF S. B. 76

The Senate proceeded to further consideration of the Bill, S. B. 76.

RESOLUTIONS

Senator Little offered the following Senate Resolution, to-wit:

S. R. 89. COMMENDING MR. PERRY M. SMITH ON HIS DIS-

TINGUISHED CAREER WITH THE ALABAMA COOPERATIVE EXTENSION SERVICE.

Which was adopted.

Senator Pearson offered the following Senate Resolution, to-wit:

S. R. 90. COMMENDING UAB BLAZER, LUELLEN FOSTER.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 323. Relating to the municipality of Phenix City, Alabama, so as to provide a procedure for the recall of city councilmen; to provide for the filling of offices vacated due to a recall election; to provide for a referendum regarding this act; to provide for implementation procedure and to provide for certain effective dates.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

RESOLUTION

Senator Little offered the following Senate Resolution, to-wit:

S. R. 91. COMMENDING MS. TRUDY CARGILE FOR OUTSTANDING SERVICE TO AUBURN UNIVERSITY.

Which was adopted.

FURTHER CONSIDERATION OF S. B. 76

The Senate proceeded to further consideration of the Bill, S. B. 76.

And said Bill, S. B. 76, was read a third time at length and a call of the roll resulted in a tie vote.

Yeas 15; Nays 15.

Yeas:

Senators:	Cabaniss	Goodwin	Menton
Amari	Corbett	Hand	Sanders
Bedsole	deGraffenried	Hilliard	Smith (B)
Bennett	Dixon	Langford	Teague

Nays:

Senators:	Bedford	Dial	Mitchem
Aldridge	Cooley	Drinkard	Parsons
Bailey	Covington	Ellis	Smith (J)
Barron	Denton	Holmes	Strong

—15

The President and Presiding Officer of the Senate voted "Aye"; therefore, the Bill, S. B. 76, was passed, and ordered sent forthwith to the House without engrossment.

Senator Teague moved that the Senate reconsider the vote by which the Bill, S. B. 76, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill and Senate Joint Resolution with the original Senate Bill and Senate Joint Resolution respectively, and finds same correctly enrolled, to-wit:

S. 218. Relating to Cleburne County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as county revenue commissioner, providing for the compensation of such official, abolishing the offices of tax assessor and tax collector, repealing conflicting laws; and providing for a referendum thereon.

Also:

S. J. R. 56. INVITING PRESIDENTIAL CANDIDATE GARY HART TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

CHARLES BISHOP,
Chairperson.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill and Senate Joint Resolution, the titles of which are set out in the foregoing report from the Committee on Rules.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 92. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third read-

ing for the tenth legislative day of the 1984 Regular Session only:

Inst Id		Page
S. 252	Hunting Licenses, hunter ed. course certif. requirement prior to licensing, Dept. of Nat Res. to prescribe course and instruct., fraudulent certif. punished, penalties.	59
S. 81	Game and Fish, amends numerous Sections of Title 9, Chapter 12, relating to Marine Resources, so as to increase penalty provisions.	56
S. 223	Aeronautics Dept. and Commission, abolished, duties and powers transferred to Highway Dept., Secs. 4-2-30, 4-2-31, 4-2-32, 4-2-35, 4-2-35.1, 4-2-36 repealed.	52
S. 258	Child Pornography, further defined, crim. procedure for meals, Secs. 13A-12-190 through 13A-12-197 am'd.	38
S. 316	Appropriation, from SETF to emergency secondary education scholarship fund for 1984-85	22
S. 351	National Conference of State Legislatures and Council of State Governments, tax exemption	50

On motion of Senator Bedford, the Resolution was adopted by the Senate.

SPECIAL ORDER

BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 252. To require all persons born on or after October 1, 1971, and of 16 years of age or older to present certification of satisfactory completion of an approved hunter education course at the time of obtaining any annual or trip hunting license provided for in this chapter; to prohibit the issuance of any annual or trip hunting licenses to said persons without said certification; to prohibit hunting by persons born on or after October 1, 1971, and of 16 years of age or older pursuant to any lifetime Alabama hunting license without obtaining said certification; to prohibit the illegal or fraudulent obtaining of said certification; to allow promulgation of a license and/or certification revocation procedure; to allow the Department of Conservation and Natural Resources to prescribe a course of instruction and an instructor certification procedure, and to approve other courses; to provide penalties for violation of this act.

And said Bill, S. B. 252, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 1.

Yeas:

Senators:	Bedsole	Corbett	Drinkard
Aldridge	Bennett	Covington	Goodwin
Amari	Bishop	deGraffenried	Hand
Bailey	Cabaniss	Denton	Hilliard
Bedford	Cooley	Dial	Holmes

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Langford	Menton	Smith (B)	Smith (J)	—23
Nay: Senator: Strong				—1

The Bill:

S. 81. To amend the penalty provisions of certain code sections of Article 2 of Chapter 12 of Title 9, Code of Alabama 1975, specifically Sections 9-12-32 (private reefs), 9-12-33 (culling of oysters), 9-12-42 (oyster replanting), 9-12-45 (terrapins), 9-12-46 (minimum weight of commercial shrimp), 9-12-54.7 (live bait dealers), 9-12-82 (oyster catcher license), 9-12-114 (license for wholesale and retail dealers of fresh saltwater fish), 9-12-116 (inspection of places of business), 9-12-117 (illegal tackle, illegal fishing devices or unlicensed boats or vessels), and 9-12-121 (general penalty provisions of Article 2 of Chapter 12, Title 9), so as to increase the penalties thereof.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Bishop	Denton	Holmes
Aldridge	Cabaniss	Dial	Langford
Bailey	Cooley	Drinkard	Menton
Bedford	Corbett	Goodwin	Mitchem
Bedsale	Covington	Hand	Smith (J)
Bennett			

—20

Nays: —0

The Bill:

S. 223. To repeal Sections 4-2-30, 4-2-31, 4-2-32, 4-2-35, 4-2-35.1 and 4-2-36 of the Code of Alabama 1975, relating to the creation, composition, appointment and function of the Alabama department of aeronautics and the Alabama aeronautics commission, and the powers, duties, qualifications and functions of the director of aeronautics and the assistant director of aeronautics; so as to abolish the Alabama department of aeronautics and the Alabama aeronautics commission and to transfer all duties, powers, responsibilities, authorities and functions thereof to the state highway department; and to establish an aeronautics division of the state highway department; and to create the position of supervisor of the aeronautics division of the state highway department; and to create the aeronautics board to serve in an advisory capacity to the aeronautics division of the state highway department, and to supervise and authorize all real estate transactions, whether conveyance, lease, or otherwise and to supervise all funds, monies and investments of the aeronautics division of the state highway department, and provide for the appointment, duties and compensation of the board members; to repeal all laws or parts of laws in conflict herewith; and to provide for the effective date of this Act.

was taken up.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your

signature thereto is requested.

H. 159. To repeal Act No. 81-889, S. 32 of the 1981 First Special Session, (Acts 1981 Special Session, p. 25), which proposes a Constitutional Amendment on budgetary matters and the legislative process.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

RESOLUTIONS

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 93. COMMENDING DR. SEABORN M. CHAPPELL OF FLORENCE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

S. R. 94. COMMENDING MR. ALLEN ROBERT TOMLINSON, III, OF FLORENCE, ALABAMA, FOR OUTSTANDING COMMUNITY INVOLVEMENT.

Also:

S. R. 95. COMMENDING DR. CARL ALLAN BARNES OF FLORENCE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Where were read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. B. 223

The Senate proceeded to further consideration of the Bill, S. B. 223.

Senator Cabaniss moved that further consideration of the Bill, S. B. 223, be postponed until the Thirtieth Legislative Day.

On motion of Senator Bishop, said motion was laid on the table.

Yeas 24; Nays 2.

Yeas:

Senators:	Bishop	Drinkard	Menton
Aldridge	Cooley	Foshee	Parsons
Bailey	Corbett	Goodwin	Smith (B)
Barron	Covington	Holmes	Smith (J)
Bedford	deGraffenried	Langford	Strong
Bedsole	Denton	Little	Teague
Bennett			

—24

Nays:

Senators: Cabaniss Dial

—2

And said Bill, S. B. 223, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 4.

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Yeas:

Senators:	Bennett	Drinkard	Menton	
Aldridge	Bishop	Foshee	Parsons	
Bailey	Corbett	Goodwin	Smith (B)	
Barron	Covington	Hilliard	Smith (J)	
Bedford	deGraffenried	Holmes	Strong	
Bedsole	Denton	Langford	Teague	—23

Nays:

Senators:	Hand	Little	Mitchem	
Cabaniss				—4

Senator Denton moved that the Senate reconsider the vote by which the Bill, S. B. 223, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MOTION TO ADJOURN

Senator Denton moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, March 20, 1984, at 1:30 P.M., which motion was adopted.

BILLS ON THIRD READING RESUMED

The Bill:

S. 258. To amend Code of Alabama 1975, §§13A-12-190 through 13A-12-197, relating to child pornography, in order to further define and prohibit child pornography and to further provide for the trial of cases involving it; to specify the cases these amendments apply to; to provide that the provisions of this act are severable; and to provide an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Senators:	Bishop	Foshee	Menton	
Aldridge	Cabaniss	Goodwin	Mitchem	
Bailey	Corbett	Hand	Smith (B)	
Barron	Covington	Hilliard	Smith (J)	
Bedford	deGraffenried	Holmes	Strong	
Bedsole	Denton	Langford	Teague	
Bennett	Drinkard	Little		—26

Nays: —0

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 3. CREATING A JOINT LEGISLATIVE INTERIM COMMITTEE TO STUDY THE STEEL INDUSTRY.

Senator Parsons offered the following substitute for the Resolution, H. J. R. 3, to-wit:

SUBSTITUTE FOR H. J. R. 3

CREATING A JOINT LEGISLATIVE INTERIM COMMITTEE TO

STUDY THE STEEL INDUSTRY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Legislative Interim Committee to Study the Steel Industry. Said committee shall be composed of six members who shall be appointed from the Legislature. The Speaker of the House shall appoint three members and the Lieutenant Governor shall appoint three members from the House and Senate respectively.

The committee shall meet as soon after their appointment as practical and choose one of their members as chairman and another as vice chairman.

The committee shall study all aspects due to the merger between the LTV Corporation and Republic Steel Corporation and the possibility of closing the Gadsden plant in the Southern District and the depressed steel industry throughout the nation. This committee shall study the crucial issues facing the steel industry in Alabama and recommend ways in which the State of Alabama can assist the industry to resolve these special problems. The committee's review, while specifically directed to the area of financing and capital formation, environment and imported steel, may include other topics as well. This committee is supported by Republic Steel Corporation.

Upon request of the chairman, the Clerk of the House and the Secretary of the Senate shall provide such clerical assistance as may be necessary for the committee's work. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, upon warrants drawn on the state comptroller upon requisitions signed by the chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but shall receive their travel expenses as they travel upon the business of the committee within and without the state. The total of such expenses shall not exceed \$20,000.

Which was adopted.

Senator Drinkard offered the following amendment to the Resolution, H. J. R. 3, as amended by the substitute, to-wit:

AMENDMENT TO H. J. R. 3, AS AMENDED BY SUBSTITUTE

On page 1, line 32, add the following language as a continuation of the paragraph.

The committee shall report its findings, suggestions and recommendations to the legislature not later than the 30th legislative day of the 1986 Regular Session. Upon giving such report, the committee shall automatically terminate.

Which was adopted.

On motion of Senator Parsons, the Resolution, H. J. R. 3, as amended by the substitute, as amended, was then concurred in and adopted by the Senate.

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable

report, to-wit:

H. J. R. 77. COMMENDING THE ALABAMA ASSOCIATION OF THE NATIONAL HONOR SOCIETY.

On motion of Senator Parsons, the Resolution was then concurred in and adopted by the Senate.

RESOLUTION

Senator Bedsole offered the following Senate Joint Resolution, to-wit:

S. J. R. 96. DIRECTING THE FINANCE DEPARTMENT TO SURVEY AND MAINTAIN AN INVENTORY ON CERTAIN LEASED VEHICLES AND AIRCRAFT AND HEAVY EQUIPMENT.

WHEREAS, the Alabama Legislature notes that many state agencies, departments, commissions, authorities and boards are spending the taxpayers' money to lease motor vehicles, aircraft and other transportation and heavy equipment and no entity of state government knows the numbers, sums expended, makes, models, usage and purposes of all such leased vehicles and equipment; and

WHEREAS, the legislature needs an accounting of all taxpayers' money; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Finance Department is hereby directed to survey and maintain an inventory on a quarterly and annual basis of all motor vehicles, aircraft and heavy equipment leased by each agency, board, commission, authority, and institution of higher education, including but not limited to: passenger automobiles, trucks, air transportation, aircraft, boats, vessels, yachts, and heavy equipment.

BE IT RESOLVED, That the State Finance Department shall develop and report to the legislature within 20 calendar days its written policies and measures to implement the directives of this resolution and the most cost-effective manner of leasing and using the said motor vehicles, aircraft, boats, vessels, yachts, and heavy equipment and the most cost-effective means of obtaining such transportation and equipment based on needs by either leasing or purchasing.

BE IT FURTHER RESOLVED, That the quarterly and annual reports to the legislature shall include, but not be limited to: type of vehicle, conveyance or transportation leased, cost to the State per item, terms of lease and source of funding.

RESOLVED FURTHER, That a copy of this resolution shall be sent by the Secretary of the Senate to the Governor and State Finance Director forthwith.

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 91. CREATING A JOINT LEGISLATIVE-JUDICIAL COMMITTEE TO STUDY, DEVELOP PLANS, AND MAKE RECOM-

MENDATIONS FOR A NEW JUDICIAL BUILDING FOR THE STATE OF ALABAMA.

On motion of Senator Parsons, the Resolution was then concurred in and adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 316. To provide for a one-time appropriation from the special educational trust fund to the emergency secondary education scholarship fund for the 1984-85 academic year to become effective on October 1, 1984.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 316, to-wit:

SUBSTITUTE FOR S. B. 316**A BILL
TO BE ENTITLED
AN ACT**

To provide for a one-time appropriation from the special educational trust fund to the emergency secondary education scholarship fund for the 1983-84 academic year.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from the special educational trust fund to the emergency secondary education scholarship fund the sum of \$200,000. Such appropriation shall be on a one-time basis to be used for such scholarship fund during the 1983-84 academic year.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	deGraffenried	Hand	Mitchem
Amari	Denton	Hilliard	Smith (B)
Bailey	Drinkard	Langford	Smith (J)
Barron	Ellis	Little	Strong
Cabaniss	Foshee	Menton	Teague
Covington			

—20

Nays:

—0

And said Bill, S. B. 316, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 25; Nays 0.

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Yeas:

Senators:	Bishop	Foshee	Menton	
Aldridge	Cabaniss	Goodwin	Mitchem	
Amari	Corbett	Hand	Smith (B)	
Bailey	Covington	Holmes	Smith (J)	
Bedford	deGraffenried	Langford	Strong	
Bedsole	Denton	Little	Teague	
Bennett	Ellis			—25

Nays: —0

The Bill:

S. 351. To exempt the National Conference of State Legislatures and the Council of State Governments from the payment of all state, county and municipal sales and use taxes.

was read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Senators:	Cabaniss	Goodwin	Menton	
Aldridge	Corbett	Hand	Mitchem	
Bailey	deGraffenried	Hilliard	Sanders	
Bedford	Drinkard	Holmes	Smith (J)	
Bedsole	Ellis	Langford	Strong	
Bishop	Foshee	Little	Teague	—23

Nays: —0

RESOLUTIONS

Senators Smith (J), Barron, and Smith (B) offered the following Senate Resolution, to-wit:

S. R. 97. CONGRATULATING GLENN BRACKEN ON HIS SELECTION AS CHANNEL 19 NEWS DIRECTOR.

Which was read and referred to the Standing Committee on Rules.

Senator Bedsole offered the following Senate Joint Resolution, to-wit:

S. J. R. 98. DIRECTING THE FINANCE DEPARTMENT TO SURVEY AND MAINTAIN AN INVENTORY ON CERTAIN LEASED VEHICLES AND AIRCRAFT AND HEAVY EQUIPMENT.

WHEREAS, the Alabama Legislature notes that many state agencies, departments, commissions, authorities and boards are spending the taxpayers' money to lease motor vehicles, aircraft and other transportation and heavy equipment and no entity of state government knows the numbers, sums expended, makes, models, usage and purposes of all such leased vehicles and equipment; and

WHEREAS, the legislature needs an accounting of all taxpayers' money; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State Finance Department is hereby directed to survey and maintain an inventory on a quarterly and annual basis of all motor vehicles, aircraft and heavy equipment leased by

each agency, board, commission, authority, and institution of higher education, including but not limited to: passenger automobiles, trucks, air transportation, aircraft, boats, vessels, yachts, and heavy equipment.

BE IT RESOLVED, That the State Finance Department shall develop and report to the legislature within 20 calendar days its written policies and measures to implement the directives of this resolution and the most cost-effective manner of leasing and using the said motor vehicles, aircraft, boats, vessels, yachts, and heavy equipment and the most cost-effective means of obtaining such transportation and equipment based on needs by either leasing or purchasing.

BE IT FURTHER RESOLVED, That the quarterly and annual reports to the legislature shall include, but not be limited to: type of vehicle, conveyance or transportation leased, cost to the State per item, terms of lease and source of funding.

RESOLVED FURTHER, That a copy of this resolution shall be sent by the Secretary of the Senate to the Governor and State Finance Director forthwith.

Which was read and referred to the Standing Committee on Rules.

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 44. CREATING SELECT COMMITTEE TO CONSIDER HOSTING SOUTHERN LEGISLATIVE CONFERENCE ON CHILDREN AND YOUTH IN ALABAMA.

On motion of Senator Corbett, the Resolution was then adopted by the Senate.

Yeas 15; Nays 7.

Yeas:

Senators:	Bishop	Drinkard	Langford	
Bailey	Corbett	Foshee	Menton	
Bedford	Covington	Goodwin	Parsons	
Bedsole	Denton	Holmes	Teague	—15

Nays:

Senators:	Cabaniss	Ellis	Hilliard	
Barron	Dixon	Hand	Little	—7

BILLS ON THIRD READING RESUMED

Senator Denton received permission to suspend the Rules in order to bring up the Bill:

S. 164. To amend Sections 25-4-55, 25-4-56, 25-4-57, 25-4-58, 25-4-70, 25-4-75 and 25-4-77, Code of Alabama 1975, as last amended so as to provide that the Special Federal Advance Interest Repayment Fund established by ACT 83-178 will be permanently available as mandated by P. L. 98-21, and to provide for disbursement therefrom, and for discontinuing assessments thereafter when no funds are due or needed; and to provide for disposition of any balances in such fund; to expand the provisions of the

Code to provide for denial of benefits during customary vacation periods and holiday or other usual recesses to the same extent as now provided for between term and academic year periods; to provide denial of benefits to employees of certain educational service agencies to the same extent and under the same conditions as now provided for employees of educational institutions; and to define "educational service agencies"; and to exempt from disqualification from receiving benefits individuals whose failure to seek work was due to jury duty as defined herein.

And said Bill, S. B. 164, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Little
Aldridge	Covington	Goodwin	Menton
Bailey	Denton	Hand	Mitchem
Barron	Dial	Hilliard	Smith (B)
Bennett	Dixon	Holmes	Strong
Bishop	Drinkard	Langford	Teague
Cabaniss	Ellis		

—25

Nays:

—0

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Bill delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 73

S. J. R. 56

S. B. 218

Delivered to the Governor, March 8, 1984, at 3:40 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 4:50 P.M., on motion of Senator Denton, in accordance with Motion and Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, March 20, 1984, at 1:30 P.M.

ELEVENTH LEGISLATIVE DAY**TUESDAY, MARCH 20, 1984**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by the Reverend Michael Kettering, Pastor, Providence Presbyterian Church, LeGrande, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Anne-Wyman Black, St. James School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Cabaniss	Figures	Menton
Aldridge	Cooley	Foshee	Mitchem
Amari	Corbett	Goodwin	Parsons
Bailey	Covington	Hand	Pearson
Barron	deGraffenried	Hilliard	Sanders
Bedford	Denton	Holmes	Smith (J)
Bedsole	Dial	Langford	Strong
Bennett	Drinkard	Little	Teague
Bishop	Ellis		

—33

JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Tenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Tenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Dixon and Smith (B) for today.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time

and referred to appropriate standing committees, as follows:

By Senator Bennett (With Notice and Proof):

S. 434. Relating to Jefferson County; to alter, rearrange and extend the boundaries and corporate limits of the City of Midfield, Alabama, so as to incorporate certain territory as described herein.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S.B. 434, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Strong and Hilliard:

S. 435. Relating to divorce and alimony; allowing the courts to consider certain military retirement pay as marital property in decreeing property settlements and alimony in certain divorce cases; permitting such courts to reconsider certain previous divorce decrees for purposes of determining marital property; requiring the courts to conform orders and decrees to certain requirements and providing that this act shall apply to cases in which a final determination as to marital property was not made before the effective date of this act, August 1, 1983.

Committee on Judiciary.

By Senator Bishop:

S. 436. Relating to banks and banking: To permit, with the prior approval of the Superintendent of Banks, any bank organized under the laws of Alabama to engage in any activity or business authorized by law to a state savings and loan association, federal savings bank, federal savings and loan association or federal savings and loan association service corporation; to provide that this Act makes no changes in laws pertaining to branch banks in Alabama; to provide for construction of this Act and for authority of the Superintendent of Banks; to repeal all laws or parts of laws in conflict with this Act; to provide for severability of the provisions of this Act and to provide for an effective date for this Act.

Committee on Banking and Insurance.

By Senator Aldridge:

S. 437. To provide for a law enforcement officers' bill of rights for all state, county and municipal law enforcement agencies in this state; defining certain rights of any officer accused of misconduct; providing for disciplinary hearings and adequate prior notice upon alleged misconduct of any officer; providing a uniform procedure for the composition of the complaint review boards of the various law enforcement agencies; providing that any law enforcement officer may bring civil suit for damages suffered while on official duty; providing for extraordinary emergency disciplinary action pending a full hearing on the allegations; providing that no officer may have disciplinary action taken against him by reason of exercising the rights granted hereby; providing for the receipt and processing of all written complaints; and providing sanctions by the district attorneys or state attorney by writ of injunction for noncompliance with the provisions of this Act; and repealing conflicting laws.

Committee on Judiciary.

By Senators Cooley and Bennett:

S. 438. To amend Section 12-15-7 of the Code of Alabama 1975, relating to appointment of juvenile probation officers, so as to provide further for such appointments.

Committee on Governmental Affairs.

By Senator Cooley:

S. 439. To amend section 12-18-58, Code of Alabama 1975, relating to retirement benefits of district judges, so as to provide that the retirement benefits to such judges shall be ninety percent of the retirement benefits payable by the state to circuit judges.

Committee on Finance and Taxation.

By Senator Bedsole:

S. 440. To amend Section 36-1-4.1, Code of Alabama 1975, relating to definitions of charitable organizations for which public officers and employees may authorize contributions through payroll deductions, so as to provide further therefor.

Committee on Consumer Affairs.

By Senator Aldridge:

S. 441. To amend Section 9-11-264, Code of Alabama 1975, relating to strict liability for civil damages to certain persons and domestic animals of persons using traps to capture or kill certain animals, so as to delete the exemption for Lawrence County.

Committee on Judiciary.

By Senator Parsons:

S. 442. To exempt any orthotic devices, human body drainage supplies, including pouches, seals, and appliances, collection and irrigating equipment, post-operative dressings, or other therapeutic products or devices, vitamins, minerals and dietary supplements, which are used, sold, furnished, dispensed or prescribed by any physician, as defined in this Act, in the performance of his professional services from any city, county and state sales tax, and to make such exemptions retroactive.

Committee on Finance and Taxation.

By Senator Teague (With Notice and Proof):

S. 443. To extend, alter and rearrange the boundary lines and corporate limits of the City of Lincoln, Talladega County, Alabama.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 443, as required in the General Acts of Alabama, 1975 Act No. 919.

MCDOWELL LEE,
Secretary.

By Senator Parsons:

S. 444. Relating to the Public Contracts Law of Alabama, and in particular Article 3 thereof, to provide that every bid made pursuant to §41-16-50, Code of Alabama, shall include the wage rates to be paid to all laborers and mechanics under any purchases, contracts or agreements made thereun-

der, and to provide further that failure to comply with such requirements shall be a Class "C" felony and that any person adversely affected by any failure to pay wages to laborers and mechanics as listed in any bid hereunder or in any contract awarded pursuant to said section shall entitle the person affected to sue, in any Circuit Court in this state, for unpaid wages thereunder and attorney's fees.

Committee on Business and Labor
Relations.

By Senator Denton:

S. 445. To amend Section 37-1-12.1, Code of Alabama, 1975, relating to hiring employees of the Alabama Public Service Commission, so as to allow that certain employees may be employed outside the State Merit System.

Committee on Governmental Affairs.

By Senator Teague:

S. 446. To authorize any municipality or group of municipalities, either individually or collectively, to establish a health and accident self-insurance group for the purpose of providing health care and hospital benefits for their officers, employees and family members dependent upon such officers or employees; to authorize the use of public funds in providing such benefits; to provide procedures for the establishment and operation of such groups; to exempt such groups from the regulation by the Department of Insurance of the State of Alabama; to exempt such groups from insurance premium taxes; and to establish an effective date.

Committee on Governmental Affairs.

By Senator Denton:

S. 447. To amend Section 41-16-51, Code of Alabama 1975, as amended by Act No. 83-515 enacted during the 1983 Regular Session of the Legislature of Alabama, so as to remove the exemption of existing contracts up for renewal for sanitation or solid waste collection and disposal between counties and those providing the service and to restore the previously existing exemption for equipment used and consumed in the removal and routine operation of any waterworks system, sanitary sewer system, gas or electric system owned by municipalities, counties or public corporations, boards or authorities that are agencies, departments or instrumentalities of municipalities or counties among those contracts for which competitive bidding is not required.

Committee on Commerce,
Transportation, and Utilities.

By Senator Teague:

S. 448. To provide that the department of economic and community affairs shall be the administrative state agency for contracts for sales of certain state property heretofore administered by the finance department; to provide for orderly transfer of certain properties and funds from the finance department to the department of economic and community affairs; to authorize the department of economic and community affairs to prescribe procedures, rules, and regulations for the administration of such contracts; to provide for collection of certain administrative fees associated with such contracts; to provide that said department shall be designated as the state agency for distribution of federally donated surplus property; to prescribe

penalties for violations of this act; to provide for certain personnel for the department of economic and community affairs, and to specifically repeal Article 5, Chapter 16, Title 41, of the Code of Alabama, 1975.

Committee on Governmental Affairs.

By Senators Amari and Menton:

S. 449. To insure that all persons whose primary condition is mental retardation and are accused of a crime, be identified by appropriate testing procedures between the time of their arrest and first formal court appearance so that insofar as is possible within the existing criminal justice system, such individuals can be most fairly processed in view of their special problems.

Committee on Judiciary.

By Senator Dial (With Notice and Proof):

S. 450. Relating to Cleburne County; providing further for the expense allowance and salary for the county coroner.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 450, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Dial (With Notice and Proof):

S. 451. Relating to Cleburne County; to provide for the appointment of the board of registrars.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 451, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Langford:

S. 452. To amend Section 36-29-10, Code of Alabama 1975, which provides for the election of retired state employees, and retired teachers to continue coverage under the group insurance plan by the deduction of premiums for such coverage from their monthly benefit payments, so as to allow the state to assume a portion of the cost.

Committee on Finance and Taxation.

By Senator Aldridge:

S. 453. To authorize the establishment of "enterprise zones," pursuant to federal tax and other incentives in order to promote job creation and economic development; to fix the duties and authority of the Alabama Development Office, the Alabama industrial development board, the commissioner of the department of revenue, and the local governing bodies; to fix the requirements for participation; to provide for state and local tax and non-tax incentives; to provide supplemental appropriations to certain participating public institutions and state junior colleges; to provide with respect to financing, and otherwise to provide with respect thereto, for financial assistance to municipalities and individuals and businesses under

any act of the Congress of the United States heretofore or hereafter enacted.

Committee on Finance and Taxation.

By Senator Denton:

S. 454. To amend Section 16-13-190 of the Code of Alabama of 1975 so as to validate in certain cases elections heretofore held in any school district or in any county at large for the purpose of authorizing a special tax for any school or educational purpose, or for school or educational purposes generally, under the constitution or any amendment thereto, or for the purpose of authorizing the consolidation of school districts and the levy of such tax in the consolidated district resulting from such consolidation.

Committee on Governmental Affairs.

By Senator Aldridge (With Notice and Proof):

S. 455. Relating to Morgan County; to authorize the Morgan County Commission to pay the actual cost of replacing any clothing or equipment of a deputy sheriff, probation officer or juvenile detention officer of the county that is damaged or destroyed while such officer is engaged in the performance of his official duties and acting within the line and scope of his authority.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 455, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Aldridge (With Notice and Proof):

S. 456. Relating to Morgan County; to authorize the Morgan County Commission to enter into contract providing for the Sheriff of Morgan County to furnish police protection within a municipality of the county on a contract basis. To further authorize municipalities entering into such a contract police agreement to pay over to the county treasurer monies sufficient to reimburse the county treasury for expenditures necessary to provide said contract policing.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 456, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Covington:

S. 457. To further amend Section 11-54-120, Code of Alabama, 1975, respecting Industrial Development Boards to include as an Ancillary Facility, facilities which shall be suitable for use by any non-profit civic organization one of the purposes or objects of which is the promotion of participation by the public in public service affairs.

Committee on Buildings and Grounds.

By Senators Aldridge, Denton, Bishop, and Foshee:

S. 458. To create the Motor Fuel Marketing Act in order to protect

Alabama's consumers against major oil company monopolies; to encourage fair and honest competition and to safeguard the public against unfair practices involving the sale of motor fuel in wholesale and retail trades; to provide for enforcement of the Act and penalties for violations; and for related purposes as well as to make certain declarations.

Committee on Commerce,
Transportation, and Utilities.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill, with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 316. To provide for a one-time appropriation from the special educational trust fund to the emergency secondary education scholarship fund for the 1983-84 academic year.

CHARLES BISHOP,
Chairperson.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 50. PETITIONING THE PRESIDENT OF THE UNITED STATES TO REESTABLISH OFFICIAL GOVERNMENTAL RELATIONS WITH THE REPUBLIC OF CHINA AND PETITIONING THE CONGRESS OF THE UNITED STATES TO TAKE ANY NECESSARY ACTION TO PROVIDE SPECIFIC SECURITY GUARANTEES FOR THE REPUBLIC OF CHINA.

Also:

S. J. R. 52. MOURNING THE DEATH OF MR. JAMES PARRISH COLEMAN OF FOLEY, ALABAMA.

Also:

S. J. R. 54. MOURNING THE DEATH OF BENNETT POWELL SINGLETON.

Also:

S. J. R. 55. CREATING THE TUSCALOOSA COUNTY ELECTED AND APPOINTED OFFICIALS SALARY COMMISSION.

Also:

S. J. R. 59. COMMENDING CENTRAL HIGH SCHOOL'S GIRLS BASKETBALL TEAM, STATE 4-A CHAMPIONS.

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Also:

S. J. R. 61. MOURNING THE DEATH OF MR. MICHAEL HENRY McCARTNEY, PROMINENT GADSDEN, ALABAMA, BUSINESSMAN AND CIVIC LEADER.

Also:

S. J. R. 62. DIRECTING THE DEPARTMENT OF EDUCATION AND THE STATE BOARD OF HEALTH TO IMPLEMENT THE PROVISIONS OF SECTION 16-29-1, CODE OF ALABAMA 1975.

Also:

S. J. R. 64. COMMENDING THE PARTICIPANTS IN THE ALABAMA STATE GYMNASTICS CHAMPIONSHIPS.

Also:

S. J. R. 76. COMMENDING THE TUSCALOOSA ACADEMY KNIGHTS, STATE APSA BASKETBALL CHAMPIONS.

Also:

S. J. R. 77. COMMENDING DR. JOHN W. KUYKENDALL OF AUBURN UNIVERSITY.

Also:

S. J. R. 78. RECOGNIZING THE OUTSTANDING SERVICE OF MR. RALPH BISHOP.

Also:

S. J. R. 79. RECOGNIZING THE OUTSTANDING SERVICE OF MR. JAMES W. (BILL) COWEN.

Also:

S. J. R. 82. NAMING THE AUDITORIUM-OFFICE BUILDING AT THE CHILTON AREA HORTICULTURE SUB-STATION, THE "C. 'CHICK' CARLTON BUILDING".

Also:

S. J. R. 85. COMMENDING COACH GENE BARTOW OF THE UNIVERSITY OF ALABAMA-BIRMINGHAM.

Also:

S. J. R. 86. COMMENDING AND CONGRATULATING THE 1983-84 UAB BLAZERS, SUN BELT CONFERENCE TOURNAMENT CHAMPIONS.

CHARLES BISHOP,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 27. Relating to the existence and functioning of the state board of Social Work Examiners provided for in Section 34-30-50, et seq. of the Code of Alabama 1975, amends Section 34-30-29 so as to specify the period of time for continuing supervision of licensed bachelor social workers and amends Section 34-30-56 so as to require publications of notice of meetings.

Also:

S. 28. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Psychology as provided in Sections 34-26-1 through 34-26-48, Code of Alabama 1975, and the Legislature's concurrence thereof.

Also:

S. 29. Relating to the Alabama Sunset law; to continue the existence and functioning of the Alabama State Board of Public Accountancy as provided in Sections 34-1-1 through 34-1-22, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 31. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Funeral Service as provided in Sections 34-13-1 through 34-13-31, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 32. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Real Estate Commission as provided in Sections 34-27-1 through 34-27-38, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 33. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Alcoholic Beverage Control Board as provided in Sections 28-3-40 through 38-3-53, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 34. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Insurance Department as provided in Sections 27-2-1 through 27-2-55, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 35. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Securities Commission as provided in Sections 8-6-50 through 8-6-60, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 36. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Pilotage Commissioners as provided in Sections 33-4-1 through 33-4-14, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 37. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Public Service Commission as provided in Sections 37-1-1 through 37-1-157, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 38. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Professional Entomologists, horticulturists, plant pathologists, floriculturists and tree surgeons examining board as provided in Sections 2-28-1 through 2-28-12, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 41. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Plumbing Examiners Board as provided in Section 40-12-145, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 42. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Liquefied Petroleum Gas Board as provided in Sections 9-17-100 through 9-17-110, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 43. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Auctioneers as provided in Sections 34-4-1 through 34-4-54, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 44. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Nursing as provided in Sections 34-21-1 through 34-21-26, Code of Alabama 1975, and the legislature's concurrence thereof.

CHARLES BISHOP,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolution with the original Senate Joint Resolution, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 29. STATING LEGISLATIVE AUTHORITY RELATIVE TO ACT NO. 81-889, S. 32, FIRST SPECIAL SESSION, 1981.

CHARLES BISHOP,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution, the title of which is set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Mitchell, Zoghby, Johnson (Roy), Holley, Bowling, Newman, Albright, Lauderdale, Hall, Hettinger, Nicholson, Poole, Carter, Carothers, and White (F):

H. 208. To amend Section 16-8-26, Code of Alabama, 1975, which provides for personal leave for teachers, so as to provide further for said leave, and to provide for creditable service for purposes of service retirement for unused accrued sick leave.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 208. To the Committee on Education.

REPORTS OF COMMITTEES

Senator Langford, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Teague:

S. 288. Relating to the collection of reasonable fees associated with producing criminal offender records for inspection.

Senator Langford, Chairperson of the Standing Committee on Govern-

mental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee (With Amendment):

S. 362. To amend Sections 34-27-2, 34-27-31, 34-27-50, 34-27-51, 34-27-60 and 34-27-66 of the Code of Alabama 1975 which regulate real estate and timesharing brokers, salesmen and transactions, so as to provide further therefor.

Senator Langford, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Goodwin, Barron, Corbett, Dixon, Langford, Bedford, Parsons, Strong, Foshee, and Covington:

S. 395. To amend Section 36-22-16 of the Code of Alabama, 1975, to provide for the compensation of the sheriffs of the several counties in this state.

By Senator Denton:

S. 416. To amend Sections 17-21-2, 17-21-3 and 17-21-5, Code of Alabama 1975, and to repeal Section 17-21-4, Code of Alabama 1975, all relating to the reimbursement of counties by the state for certain election expenses, so as to clarify instances in which counties shall be reimbursed for election expenses.

By Senator Denton:

S. 370. To amend Sections 41-9-340, 41-9-343, 41-9-347 and 41-9-355, Code of Alabama 1975, relating to the USS Alabama Battleship Commission, so as to provide for the vacation of office by a member for failure to attend meetings, to increase the monetary limits for which a contract may be executed, to provide that said park shall honor all who participated in military defense of our nation and to forgive certain debts owed by the Commission to the Alabama State Docks.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bennett:

S. 325. Amending Sections 16-36-7 and 16-36-27 of the Code of Alabama, 1975, so as to allow State adoption and purchase of educational materials for children enrolled in the public kindergartens of the State.

By Senator Bennett:

S. 150. To amend Section 16-10-1, Code of Alabama, 1975, so as to eliminate the requirement that local school trustees must be appointed by the county board of education.

By Senator Bailey:

S. 126. To provide that a local board of education shall allow a sick

leave bank for its employees to be established upon the request of such employees.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senators Drinkard, Bennett, and Strong (With Amendments):

S. 147. To amend Sections 16-8-25 and 16-12-21, Code of Alabama 1975, to provide full-time teachers who teach the entire academic year with at least two weeks of vacation.

Senator deGraffenried, Chairperson of the Standing Committee on Constitutional Revision, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Ellis and Goodwin (With Amendment):

S. 369. To propose an amendment to the Constitution of Alabama of 1901, to authorize the Bibb County Commission to levy and collect additional property taxes within Bibb County for purposes of law enforcement, highway and bridge and volunteer fire departments and rescue squads.

The above Bill was read a second time at length as required by the Constitution.

Senator deGraffenried, Chairperson of the Standing Committee on Constitutional Revision, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator deGraffenried (With Substitute):

S. 60. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, replacing and superseding Article XI, specifically repealing Sections 211 through 219 and Amendments 26, 26A, 325 and 373, of the Constitution of 1901, as amended, relating to taxation and debt limitation, and all other conflicting provisions of said Constitution and amendments thereto; providing for an election thereon and prescribing an effective date for the proposed Amendment.

The above Bill was read a second time at length as required by the Constitution.

RESOLUTION

Senator Bedsole offered the following Senate Joint Resolution, to-wit:

S. J. R. 99. COMMENDING THE ALABAMA ASSOCIATION OF COLLEGE TEACHERS OF MATHEMATICS AND THE ALABAMA COUNCIL OF TEACHERS OF MATHEMATICS.

WHEREAS, the Alabama Legislature notes with commendation the fourth annual statewide mathematics contest for secondary school students to be held March 24, 1984; and

WHEREAS, following a written examination in the geometry, algebra II or comprehensive division, scores will be evaluated to determine schools

with the highest team scores, thereby qualifying for further competition to be held in Montgomery, April 28, 1984; and

WHEREAS, for the purposes of generating interest in and love of mathematics, and in encouragement of advanced study in mathematics by our state's youth, the contest is jointly sponsored by the Alabama Association of College Teachers of Mathematics and the Alabama Council of Teachers of Mathematics; and

WHEREAS, these two professional groups are indeed to be praised for their efforts in promoting the study of more mathematics in Alabama schools, and for their support and encouragement of excellence in mathematics; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of the Alabama Association of College Teachers of Mathematics and the Alabama Council of Teachers of Mathematics for their sponsorship of the State Mathematics Contest.

BE IT FURTHER RESOLVED, That in appreciation of the groups' dedicated efforts in seeking to upgrade the mathematics programs in our schools, a copy of this resolution shall be forwarded to Dr. Suzanne McGill, Chairman of the State Mathematics Contest Committee.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Charles Nolen to Livingston State University Board of Trustees.

On motion of Senator Denton, the appointment of Mr. Nolen was confirmed by the Senate.

Yeas 15; Nays 0.

Yeas:

Senators:	Cooley	Ellis	Little	
Aldridge	Corbett	Foshee	Smith (J)	
Bedsole	Denton	Hand	Strong	
Bennett	Dial	Langford	Teague	—15

Nays: —0

The President and Presiding Officer of the Senate declared a quorum present but not voting.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Bill Melson to Alabama Educational Television Commission.

On motion of Senator Denton, the appointment of Mr. Melson was con-

firmed by the Senate.

Yeas 16; Nays 0.

Yeas:

Senators:	Bishop	Dial	Little	
Bailey	Cooley	Drinkard	Menton	
Barron	deGraffenried	Hand	Smith (J)	
Bedsole	Denton	Langford	Strong	
Bennett				—16

Nays: —0

The President and Presiding Officer of the Senate declared a quorum present but not voting.

BILLS ON THIRD READING

Senator Teague requested and received permission to suspend the Rules in order to bring up the Bill:

H. 177. To amend Sections 25-4-55, 25-4-56, 25-4-57, 25-4-58, 25-4-70, 25-4-75 and 25-4-77, Code of Alabama 1975, as last amended so as to provide that the Special Federal Advance Interest Repayment Fund established by ACT 83-178 will be permanently available as mandated by P. L. 98-21, and to provide for disbursement therefrom, and for discontinuing assessments thereafter when no funds are due or needed; and to provide for disposition of any balances in such fund; to expand the provisions of the Code to provide for denial of benefits during customary vacation periods and holiday or other usual recesses to the same extent as now provided for between term and academic year periods; to provide denial of benefits to employees of certain educational service agencies to the same extent and under the same conditions as now provided for employees of educational institutions; and to define "educational service agencies"; and to exempt from disqualification from receiving benefits individuals whose failure to seek work was due to jury duty as defined herein.

And said Bill, H.B. 177, was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Senators:	Bishop	Drinkard	Menton	
Aldridge	Cabaniss	Foshee	Parsons	
Amari	Cooley	Goodwin	Sanders	
Bailey	Covington	Hand	Smith (J)	
Barron	deGraffenried	Holmes	Strong	
Bedsole	Denton	Langford	Teague	
Bennett	Dial	Little		—26

Nays: —0

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. T. T. Martin to Alabama Educational Television Commission.

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On motion of Senator Denton, the appointment of Mr. Martin was confirmed by the Senate.

Yeas 23; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Little	
Amari	Cooley	Goodwin	Menton	
Barron	Corbett	Hand	Parsons	
Bedsole	deGraffenried	Hilliard	Smith (J)	
Bennett	Denton	Holmes	Strong	
Bishop	Dial	Langford	Teague	—23

Nays: —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Dr. Leon Bonner to the State Textbook Committee.

On motion of Senator Denton, the appointment of Dr. Bonner was confirmed by the Senate.

Yeas 21; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Little	
Aldridge	Covington	Goodwin	Parsons	
Bedsole	deGraffenried	Hand	Smith (J)	
Bennett	Denton	Holmes	Strong	
Bishop	Dial	Langford	Teague	
Cooley	Drinkard			—21

Nays: —0

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mrs. W. R. Sutton to the State Textbook Committee.

On motion of Senator Denton, the appointment of Mrs. Sutton was confirmed by the Senate.

Yeas 21; Nays 0.

Yeas:

Senators:	Bishop	Dial	Holmes	
Aldridge	Cooley	Drinkard	Langford	
Amari	Corbett	Foshee	Little	
Bailey	Covington	Goodwin	Pearson	
Barron	deGraffenried	Hand	Smith (J)	
Bedsole	Denton			—21

Nays: —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a

favorable report, to-wit:

Appointment of Mr. Kenneth Cooper to the State Textbook Committee.

On motion of Senator Denton, the appointment of Mr. Cooper was confirmed by the Senate.

Yeas 19; Nays 0.

Yeas:

Senators:	Bennett	deGraffenried	Hand	
Aldridge	Bishop	Denton	Holmes	
Amari	Cabaniss	Dial	Langford	
Barron	Cooley	Foshee	Smith (J)	
Bedsole	Covington	Goodwin	Teague	—19

Nays: —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. James W. Brown to the State Textbook Committee.

On motion of Senator Denton, the appointment of Mr. Brown was confirmed by the Senate.

Yeas 19; Nays 0.

Yeas:

Senators:	Cabaniss	Denton	Langford	
Amari	Cooley	Dial	Little	
Bailey	Corbett	Foshee	Parsons	
Bennett	Covington	Goodwin	Smith (J)	
Bishop	deGraffenried	Hand	Teague	—19

Nays: —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Dr. Mac Irving to the State Textbook Committee.

On motion of Senator Denton, the appointment of Dr. Irving was confirmed by the Senate.

Yeas 21; Nays 0.

Yeas:

Senators:	Bishop	Dial	Little	
Amari	Cabaniss	Goodwin	Mitchem	
Bailey	Cooley	Hand	Pearson	
Barron	Covington	Holmes	Smith (J)	
Bedsole	deGraffenried	Langford	Strong	
Bennett	Denton			—21

Nays: —0

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Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Rick Hulsey to the State Textbook Committee.

On motion of Senator Denton, the appointment of Mr. Hulsey was confirmed by the Senate.

Yeas 22; Nays 0.

Yeas:

Senators:	Bishop	Denton	Langford
Aldridge	Cabaniss	Dial	Little
Bailey	Cooley	Foshee	Mitchem
Barron	Corbett	Goodwin	Smith (J)
Bedsole	Covington	Hand	Teague
Bennett	deGraffenried	Holmes	

—22

Nays: —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Artis McCampbell to the State Textbook Committee.

On motion of Senator Denton, the appointment of Mr. McCampbell was confirmed by the Senate.

Yeas 20; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Menton
Aldridge	Covington	Goodwin	Mitchem
Amari	deGraffenried	Hand	Smith (J)
Bedsole	Denton	Holmes	Strong
Cabaniss	Dial	Little	Teague
Cooley			

—20

Nays: —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Greg Miller to the State Textbook Committee.

On motion of Senator Denton, the appointment of Mr. Miller was confirmed by the Senate.

Yeas 21; Nays 0.

Yeas:

Senators:	Bennett	Covington	Foshee
Aldridge	Cabaniss	deGraffenried	Goodwin
Amari	Cooley	Denton	Hand
Bedsole	Corbett	Drinkard	Holmes

Little
MentonMitchem
Parsons

Smith (J)

Teague

—21

Nays:

—0

RESOLUTIONS

Senators Little and Foshee offered the following Senate Joint Resolution, to-wit:

S. J. R. 100. MOURNING THE DEATH OF MR. EDWARD A. DANNELLY OF ANDALUSIA, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of Mr. Edward A. Dannelly of Andalusia, Alabama, on March 12, 1984, at the age of 71 years; and

WHEREAS, Mr. Dannelly, a resident of Andalusia since 1948, was a distinguished journalist whose lengthy newspaper career included some 24 years as editor and co-owner of the Andalusia Star-News; he had worked previously for several newspapers in various locales, including Atlanta, Georgia, and had also served in Washington as executive assistant to Congressman George Andrews immediately prior to his acquisition of the Star-News; and

WHEREAS, Mr. Dannelly's death has indeed left a deep void in his beloved community and he will long be remembered with love and gratitude for his selfless an even sacrificial service on behalf of others; and

WHEREAS, he was an active member, church lay leader, member of the administrative board and former Sunday School teacher at First United Methodist Church; he also was deeply involved in such areas as the Boy Scout program and as a member, past president and Paul Harris Fellow of the Andalusia Rotary Club; and

WHEREAS, Mr. Dannelly was a former Citizen of the Year of the Kiwanis Club, the recipient of an honorary doctorate degree from Birmingham-Southern College, a trustee of both BSC and the University of South Alabama and was president in 1966-67 of the Alabama Press Association; and

WHEREAS, in addition to his honorary doctorate, Mr. Dannelly's earned degrees were from Birmingham-Southern and the School of Journalism of Columbia University in New York; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deeply shared sorrow with the Andalusia Community and his family, we grievously mourn the death of Mr. Edward A. Dannelly.

BE IT FURTHER RESOLVED, That copies of this resolution shall be forwarded to Mr. Dannelly's sons, Edward E., III, and William D. Dannelly, and other family members in expression of our deepest and most heartfelt sympathy.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Little then offered the following Senate Joint Resolution, to-wit:

S. J. R. 101. NAMING THE HEALTH AND ARTS BUILDING AT ALEXANDER CITY STATE JUNIOR COLLEGE, THE "W. BYRON

CAUSEY HEALTH EDUCATION AND ARTS COMPLEX.”

WHEREAS, in September 1984, Alexander City State Junior College will begin its 20th year of providing exceptional educational opportunities for both youth and adults in the State of Alabama; and

WHEREAS, it is to be noted Dr. W. Byron Causey has served as Alexander City State Junior College's only president and it is largely through his tireless dedication to achieving excellence in education that the college has come to be recognized as one of the most outstanding two-year institutions in the United States; and

WHEREAS, Dr. Causey, who has served in education for some 35 years, also has been instrumental in the work of such professional organizations as the American Association of Community and Junior Colleges, the Association of Community College Trustees, the President's Academy of AACJA, and the National Council of Resource Development; and

WHEREAS, he further has been a longtime advocate, on the national level, of two-year colleges and is widely known for his accomplishments in prison education programs; and

WHEREAS, in addition to his numerous professional involvements, Dr. Causey also has served in civic responsibility and concern; his activities within the community, as well as statewide and nationally, are quite lengthy and include a wide diversity of areas; and

WHEREAS, it is entirely fitting and proper that on the 20th anniversary of Alexander City State Junior College, its first and only president should be recognized for extraordinary service, not only to the college, but to his community, state and nation as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of Dr. W. Byron Causey, we hereby name and designate the health and arts building at Alexander City State Junior College, the “W. Byron Causey Health Education and Arts Complex.”

BE IT FURTHER RESOLVED, That the proper authorities are hereby directed to erect and maintain appropriate signs and markers so designating said building and that, further, a copy of this resolution shall be presented to Dr. Causey as a memento of this honorary designation of the Alabama Legislature.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Little then offered the following Senate Joint Resolution, to-wit:

S. J. R. 102. COMMENDING CLAIRE NELL FULLER.

WHEREAS, Claire Nell Fuller graduated from Alexander City High School in 1942, as valedictorian; and

WHEREAS, she is a graduate of Judson College where she was a member of the Student Government Association, a member and officer of the Glee Club, representative on the Athletic Board, president of Jewett dormitory, an active athlete throughout student days and was named to Who's Who in American Colleges and Universities in 1946; and

WHEREAS, a lifetime member of the First Baptist Church in Alexan-

der City, Miss Fuller has been active in all phases of church activities including the Women's Missionary Union, Church Training, Handbell Choir, as a Sunday school teacher of both youth and adults, as a pianist, as a choir member, and as church organist since 1970; and

WHEREAS, the church secretary describes her as a member-faithful, useful and helpful; and

WHEREAS, Miss Fuller is an active member and past president of Alpha Delta Kappa teachers' sorority and the Twentieth Century Study Club; and

WHEREAS, Claire Nell Fuller began her employment with the Alexander City Board of Education April 1, 1948, under Superintendent of Education, Mr. George W. Hulme, and in her thirty-six years of service to the Alexander City Board of Education she also has worked under the direction of three other superintendents of education, Mr. P. G. Myer, Mr. S. C. Doss, Jr., and Dr. Paul W. Fanning; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this legislature would like to recognize Claire Nell Fuller for her dedicated service and contribution to the people of this state and extend to her every good wish upon her forthcoming retirement.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Claire Nell Fuller.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

Senator Teague requested and received permission to suspend the Rules in order to bring up the Bill:

H. 377. Proposing an amendment to the State Constitution relating to Talladega County; to provide for the levy, collection and distribution of a privilege or license tax upon persons and businesses conducting professional sporting contests or events; to provide for the collection of the revenues from said tax; to provide for exemptions; and to provide for penalties for violations.

And said Bill, H. B. 377, was read a third time at length as required by the Constitution and lost.

Yeas 0; Nays 18.

Yeas:

—0

Nays:

Senators:	Corbett	Foshee	Parsons
Aldridge	Covington	Goodwin	Smith (J)
Bedford	deGraffenried	Hand	Strong
Bennett	Dial	Holmes	Teague
Cooley	Ellis	Langford	

—18

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a

favorable report, to-wit:

Appointment of Ms. Judith R. Doland to the State Textbook Committee.

On motion of Senator Denton, the appointment of Ms. Doland was confirmed by the Senate.

Yeas 21; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Little
Aldridge	Cooley	Goodwin	Menton
Amari	Corbett	Hand	Parsons
Bedsole	Covington	Holmes	Strong
Bennett	deGraffenried	Langford	Teague
Bishop	Denton		

—21

Nays:

—0

RESOLUTION

Senator Denton offered the following Senate Joint Resolution, to-wit:

S. J. R. 103. EXPRESSING JUDGEMENT THAT EXPENDITURES SHOULD BE MADE BY POSTSECONDARY SCHOOLS IN COMPROMISE OF CLAIMS RESULTING FROM FAILURE OF HOSPITAL-MEDICAL INSURANCE PROGRAM.

WHEREAS, The Legislature has granted authority to the State Board of Education through the Chancellor of Postsecondary Education to serve as the governing board of trustees for Alabama's junior, technical and community colleges; and

WHEREAS, in fulfillment of the responsibility which the State Board of Education has to the employees of Alabama's junior, technical and community colleges, the Board has authorized allotment of state funds to employees for hospital-medical insurance coverage to be provided for the benefit of the employees of the junior, technical and community colleges; and

WHEREAS, these employees using in large part State funds which were provided in the form of hospital-medical insurance allotments joined in a self-funded health insurance program which through no fault of these employees has failed leaving numerous unpaid claims for health services which these employees are financially unable to pay; and

WHEREAS, the State Board of Education has indicated a desire to assist these employees in the compromise of outstanding claims; and

WHEREAS, the Legislature finds that such assistance would materially benefit the efficiency and effectiveness of these employees and thus is in the best interest of the State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby express our judgment that the expenditures of available resources of the junior, technical and community colleges to assist in the compromise of claims and payment of necessary fees and expenses resulting from the failure of this self-funded insurance program are legitimate and permissible.

On motion of Senator Denton, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Colonel William R. Turnipseed to the rank of Brigadier General in the Air National Guard.

On motion of Senator Denton, the appointment of Colonel Turnipseed was confirmed by the Senate.

Yeas 21; Nays 0.

Yeas:

Senators:	Cooley	Goodwin	Mitchem
Aldridge	deGraffenried	Hand	Parsons
Amari	Denton	Holmes	Smith (J)
Bailey	Dial	Little	Strong
Bedsole	Ellis	Menton	Teague
Bennett	Foshee		

—21

Nays:

—0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Colonel Cecil W. Greene to the rank of Brigadier General in the Air National Guard.

On motion of Senator Denton, the appointment of Colonel Greene was confirmed by the Senate.

Yeas 21; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Menton
Aldridge	Cooley	Goodwin	Parsons
Amari	Corbett	Hand	Smith (J)
Bailey	Covington	Holmes	Strong
Bedsole	deGraffenried	Little	Teague
Bennett	Denton		

—21

Nays:

—0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Colonel Tolly P. Pickett to the rank of Brigadier General in the Army National Guard.

On motion of Senator Denton, the appointment of Colonel Pickett was confirmed by the Senate.

Yeas 18; Nays 0.

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Yeas:

Senators:	Cabaniss	Goodwin	Mitchem	
Aldridge	Cooley	Hand	Parsons	
Amari	Corbett	Holmes	Strong	
Bedsole	deGraffenried	Little	Teague	
Bennett	Denton	Menton		—18

Nays: —0

BILLS ON THIRD READING RESUMED

Senator Ellis requested and received permission to suspend the Rules in order to bring up the Bill:

H. 330. To provide for the salary of the probate judge of St. Clair County and to provide for retroactive effect.

And said Bill, H. B. 330, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Mitchem	
Aldridge	Cooley	Foshee	Parsons	
Amari	Covington	Hand	Sanders	
Barron	deGraffenried	Holmes	Smith (J)	
Bedsole	Denton	Little	Strong	
Bennett	Dial	Menton	Teague	
Bishop	Drinkard			—25

Nays: —0

Senator Ellis then requested and received permission to suspend the Rules in order to bring up the Bill:

H. 331. Relating to St. Clair County; to provide for additional expense allowances for certain county officials.

And said Bill, H.B. 331, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Senators:	Cabaniss	Ellis	Mitchem	
Aldridge	Cooley	Foshee	Parsons	
Amari	Covington	Hand	Sanders	
Barron	deGraffenried	Holmes	Smith (J)	
Bedsole	Denton	Little	Strong	
Bennett	Dial	Menton	Teague	
Bishop	Drinkard			—25

Nays: —0

RESOLUTIONS

Senator Ellis offered the following Senate Joint Resolution, to-wit:

S. J. R. 104. MOURNING THE DEATH OF MR. JAMES DONALD BULGER, PROMINENT ALABAMA EDUCATOR.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama notes the untimely death of Mr. James Donald Bulger of Pelham, Alabama, on February 24, 1984, at the age of just 49 years; and

WHEREAS, Mr. Bulger, who at the time of his death was serving as principal of Shelby County High School, was a graduate of Sylacauga High School and of Jacksonville State College with a B.S. degree; he also earned the Master's degree as well as his AA Certification at the University of Alabama-Birmingham; and

WHEREAS, Mr. Bulger began his career in education as an assistant coach at Monroe County High School in 1956; he then served successively as head coach at Shelby County High, head coach and athletic director at Gadsden's Emma Sansom High School, as principal at Gadsden High, and as principal at Etowah County before returning to Shelby County High School as principal in 1974; and

WHEREAS, during his tenure as head coach at Shelby County, from 1957 to 1966, Coach Bulger led his football teams to a state record of no losses for more than four years; and

WHEREAS, Mr. Bulger was indeed one of Alabama's most prominent educators and one who was widely recognized as a leader in his field; he further served in genuine concern for each student under his care and guidance, placing first priority on what was best for the individual at all times; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. James Donald Bulger of Pelham, Alabama, and extend our most heartfelt sympathy to his family, and to all those who are solely bereft in their great and grievous loss.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to his beloved wife, Mrs. Regina Bulger, that she and their children and other family members may know of our concern for them during their time of such deep sorrow.

On motion of Senator Ellis, the Rules were suspended and the Resolution was adopted by the Senate.

Senator deGraffenried offered the following Senate Resolution, to-wit:

S. R. 105. REQUESTING AN ADVISORY OPINION OF THE SUPREME COURT RELATIVE TO THE STATUS OF THE CONSTITUTIONAL AMENDMENT PROPOSED BY ACT NO. 81-889, S. 32 OF THE 1981 FIRST SPECIAL SESSION.

BE IT RESOLVED BY THE SENATE OF ALABAMA, That we do respectively request the Honorable Chief Justice and Associate Justices of the Supreme Court, or a majority of them, to give this body their written opinion on the following constitutional questions which have arisen concerning the status of all pending legislation before the current Regular Session of the Legislature and the status of Act No. 81-889, S. 32 of the 1981 First Special Session.

The pertinent facts are as follows:

(1) In the Opinion of the Justices No. 300, Supreme Court of Alabama, August 13, 1982, the Court held that the same Legislature can, by resolution, change the date of holding an election on a proposed constitutional amendment, citing a previous Opinion of the Justices, 275 Ala. 372, 155 So. 2d 329(1963). The opinion also held that the then Governor Fob James' proclamation that the election on said Act No. 81-889 would be held on September 7, 1982, and his order for advertising thereon violated the provi-

sions of Amendment 24 of the State Constitution which vests the authority for setting election dates for elections on proposed constitutional amendments solely with the Legislature. The opinion further holds that the governor has no authority to approve or disapprove acts or resolutions which propose constitutional amendments pursuant to the requirements of Section 287 of the State Constitution.

(2) HJR 166, Act 82-270, Regular Session 1982, directed the Secretary of State to return Act No. 81-889, S. 32 of the First Special Session 1981, to the House of Representatives. The Secretary of State returned the act on April 19, 1982. The Legislature took no further action on the act. At the close of the 1982 Regular Session, on the 30th legislative day, April 26, 1982, the Clerk of the House of Representatives returned said Act 81-889 to the Secretary of State pursuant to HJR 386 of the 1982 Regular Session.

(3) In the 1984 Regular Session of the Legislature, HJR 16 was enacted March 1, 1984, and assigned Act No. 84-48. HJR 16 directs that Act No. 81-889, S. 32 of the First Special Session of 1981 be kept "along with other papers and documents of the House and Senate . . . in accordance with Sections 29-1-16(a)(2), 29-1-16(b) and 29-1-17, Code of Alabama 1975, with the records, papers and documents belonging to the legislature, and shall remain there until the legislature dictates otherwise."

(4) Also in the 1984 regular legislative session, the Legislature passed House Bill 159, which became enacted as Act No. 84-53 on March 8, 1984. Said Act No. 84-53 repeals Act 81-889, S. 32, 1981 First Special Session.

(5) Act No. 81-889, S. 32, First Special Session 1981, was placed on the ballot of the 1984 Presidential Preference Primary Election held on March 13, 1984, and was apparently overwhelmingly approved by the voters of this state.

The questions are as follows:

(1) Pursuant to the facts stated in Number (2) above concerning the return of said Act No. 81-889 to the Legislature, was any further official action on the part of the Legislature prior to returning said Act to the Secretary of State on April 26, 1982 necessary to ensure that said Act No. 81-889 remained a viable proposed Constitutional Amendment?

(2) Was said Act No. 81-889 properly placed on the March 13, 1984 election ballot in view of HJR 16, Act No. 84-48, 1984 Regular Session, which directs that Act No. 81-889 be kept in the Secretary of State's office?

(3) Does House Bill 159, Act No. 84-53 of the 1984 Regular Session effectively repeal said Act No. 81-889 of the First Special Session of 1981?

(4) Are the Governor's responsibilities of giving notice of a proposed constitutional amendment and the proclamation of the results of an election held thereon as provided in Amendment 24 of the State Constitution absolutely essential for the ratification of a proposed constitutional amendment?

(5) Did the advertising ordered by the then Governor Fob James pursuant to his proclamation of September 7, 1982, substantially satisfy the notice requirements for proposed constitutional amendments pursuant to Amendment 24 of the state constitution?

(6) Can the various media coverage of the amendment proposed by said Act No. 81-889 combined with the substantial number of voters who voted thereon at the March 13, 1984, election be construed to have given constructive notice of the election, and thereby substantially satisfy the notice re-

quirements of Amendment 24 of the state constitution?

(7) Was the amendment proposed by Act No. 81-889, S. 32 of the First Special Session 1981, ratified at the March 13, 1984 election?

(8) If Act No. 81-889 was ratified at the March 13, 1984 election, does the amendment apply to the conduct of business in the 1983 Regular Session and the current 1984 Regular Session, or both?

(9) If the amendment does apply to the 1983 Regular Session and the current 1984 Regular Session, were the bills which were enacted in the 1983 Regular Session and those bills which were passed by the Legislature and delivered to the Governor prior to March 13, 1984 validly enacted?

(10) Have the pending House and Senate bills which have received a third reading in the house of origin been legally transmitted to the respective other house?

(11) If the pending House and Senate bills have not been legally transmitted, can the Legislature pass a joint resolution with retroactive application transmitting those bills from one house to the other?

(12) If the Legislature can pass a joint retroactive resolution to transmit the pending bills from one house to the other, would such a joint resolution have to pass the Legislature by a majority vote of a quorum present, by a 3/5 vote of a quorum present, or by a 3/5 vote of all elected members?

RESOLVED FURTHER, That the Secretary of the Senate transmit this request to the Justices of the Supreme Court upon adoption of this resolution.

Senator Parsons offered the following Senate Joint Resolution, to-wit:

S. J. R. 106. URGING SUPPORT OF ALABAMA'S CONGRESSIONAL DELEGATION FOR THE FAIR TRADE IN STEEL ACT.

WHEREAS, though our domestic steel industry is critical to the national defense and the industrial base of the United States, substantial quantities of unfairly traded steel imports have severely injured the industry, thereby drastically reducing employment within the United States, and most particularly in the State of Alabama; and

WHEREAS, the litigation process has proved inadequate to deal with unfair trade practices and foreign steel companies backed by their governments; and

WHEREAS, the Fair Trade in Steel Act of 1983, however, would place restrictions on imported steel, such restrictions being in the amount of approximately 15% of the apparent domestic supply for five years; and

WHEREAS, the bill would encourage capital investment and modernization, by the domestic industry, by allowing the quotas to be suspended if capital investment is not being made at appropriate levels; and

WHEREAS, the overall effect of such legislation would be to revitalize the domestic steel industry and help preserve jobs and tax revenues; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express support of H.R. 4352, also known as the Fair Trade in Steel Act of 1983, and further urge Alabama's Congressional delegation to work in support of such legislation.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to each member of Alabama's Congressional delegation, advising our state's representatives and senators in Washington, D.C., of the legislature's endorsement of H.R. 4352.

Which was read and referred to the Standing Committee on Rules.

NOTICE IN WRITING

Senator Cabaniss offered the following Notice in Writing, to-wit:

NOTICE IN WRITING

Notice is hereby given that on the next legislative day a motion will be made to amend the Senate Rules as follows:

Under Rule 7 - the 7th order of business, Uncontested local bills, amend the 7th order of business to read as follows:

“7th (a) Uncontested local bills;

(b) Before a bill designated as a “Local Bill” may be contested, to be excluded from the 7th order of business by Senators who do not represent the counties affected, a total of ten (10) Senators must enter their objections in writing to said bill.”

Which was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Hooper, McKee, Holmes, Buskey (John), Mikell, and Starr:

H. J. R. 124. COMMENDING MONTGOMERY'S CLOVERDALE JUNIOR HIGH SCHOOL BASKETBALL TEAM, RUNNER-UP FOR THE STATE CHAMPIONSHIP.

Also:

By Reps. Nicholson and Brakefield:

H. J. R. 129. COMMENDING WALKER REBELS.

Also:

By Reps. Bowling, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuit, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell,

Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 130. MOURNING THE DEATH OF MR. FINIS EWING ST. JOHN, JUNIOR, OF CULLMAN, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 124, 129, and 130, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Hooper, Seibels, Kvalheim, Bachus, Gaston, White (G), and Beers:

H. J. R. 127. INVITING VICE PRESIDENT GEORGE BUSH TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein extend a most cordial invitation to Vice President George Bush to address the Alabama Legislature at his earliest convenience, on which date and at a time to be set, the Legislature shall convene in joint session to hear Vice President Bush's remarks.

BE IT FURTHER RESOLVED, That the Clerk of the House is directed to forward a copy of this resolution to Vice President Bush, in invitation to address the Legislature and in hopeful anticipation of his acceptance.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 127, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Poole, Cosby, and Burke:

H. J. R. 132. URGING THE GOVERNOR TO REESTABLISH THE GOVERNOR'S TASK FORCE ON ECONOMIC RECOVERY.

WHEREAS, the taxpayers of the State of Alabama have a right to know their taxes are being wisely spent; and

WHEREAS, the taxpayers of the State of Alabama are being asked to contribute additional taxes to the State; and

WHEREAS, it is in the interest of the Government of the State of Alabama to ensure that the taxpayers' money is wisely spent; and

WHEREAS, it is in the interest of the Government of the State of Alabama to assure its taxpayers of State Government efficiency; and

WHEREAS, the Governor's Task Force on Economic Recovery expressed the unanimous judgement that the people of Alabama will not, and should not, support any new tax proposals until they are assured that both existing and proposed tax revenues are being wisely spent; and

WHEREAS, the Governor's Task Force on Economic Recovery has recommended the establishment of a committee comparable to that chaired at the Federal level by Peter Grace; and

WHEREAS, the members of the Executive Committee of the Task Force have volunteered to serve on such a committee; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, Governor George C. Wallace reassemble the Governor's Task Force on Economic Recovery for the purpose of examining how the State of Alabama is spending its taxpayers' money.

BE IT FURTHER RESOLVED, That the Task Force deliver its report to the Constitutional Officers of the State of Alabama and the members of the Alabama Legislature not later than August 3, 1984.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 132, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Bowling:

H. J. R. 133. DIRECTING THAT THE STATE ATHLETIC ASSOCIATION SHALL PRESCRIBE GUIDELINES FOR PUBLIC HIGH SCHOOL ATHLETES AND ATHLETIC DIRECTORS FOR TRAINING DURING CERTAIN SEASONS.

WHEREAS, the Alabama Legislature notes that many student-athletes suffer severe injuries and illnesses, and, in some cases, even death due to problems encountered by public high school athletes in rigorous training during certain seasons of high humidity and high temperatures; and

WHEREAS, the Alabama Legislature declares that all actions should be taken by appropriate authorities to minimize illnesses, injuries and loss of life of our young athletes in public high school due to weather conditions while in training; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby direct that:

The State Athletic Association, at the regularly scheduled board meeting next following the effective date of this act, shall adopt for circulation among the athletic departments of the public high schools of this state certain rules to alleviate fluid and heat problems encountered by high school

athletes using the following criteria as guidelines for such rules:

1. Two-a-day practices should be scheduled early in the morning and late in the afternoon. On extremely hot days with high humidity, practice time should be modified.

2. Each player should be weighed before and after practice and a record kept of these weights, realizing that each 2 to 2½ pounds of weight loss represents approximately one quart of fluid loss and that the player should regain the weight lost during practice within twenty-four hours. Players with excessive loss should be watched closely and that player's practice modified.

3. There should be three to four ten-minute breaks during each practice session, during which fluid should be replaced. There should be a minimum of 20 ounces of fluid per break. Ice should be in the fluids. Head gear should be removed, and if shade is available, it should be used. The squirt bottle should not be used to replace fluids.

4. Coaches should be taught to recognize early heat fatigue and heat exhaustion so that heat stroke can be avoided. There should be no conditioning nor disciplinary drills after practice that are not under close supervision.

BE IT FURTHER RESOLVED, That when such rules have been adopted, as herein provided, they shall be immediately distributed to such schools through the Alabama High School Athletic Association.

RESOLVED FURTHER, That copies of this Resolution shall be sent to each member of the State Athletic Association and the Department of Education.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 133, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Tanner and Moore:

H. J. R. 138. COMMENDING MR. J. E. "NED" BEARDEN, PROMINENT SHELBY COUNTY DAIRYMAN AND CIVIC LEADER.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 138, set out in the foregoing message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Reso-

lution and sends same herewith to the Senate for its consideration:

By Reps. Turnham, Rains, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (RG), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 140. COMMENDING MRS. LENA F. (LEE) CANNON FOR OUTSTANDING SERVICE WITH THE ALABAMA COOPERATIVE EXTENSION SERVICE AND ALABAMA PUBLIC TELEVISION.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 140, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Laird and Fuller:

H. J. R. 117. COMMENDING MR. W. O. LANCE OF LANETT, PROMINENT ALABAMA EDUCATOR.

Also:

By Reps. Mitchell, Poole, Melton, Brakefield, and Johnson (Roy):

H. J. R. 118. COMMENDING MR. JERRY BELK OF TUSCALOOSA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Reps. Gaston, Kvalheim, and Kennedy:

H. J. R. 119. COMMENDING MRS. ALFRED F. DELCHAMPS, JUNIOR, MOBILE'S FIRST LADY FOR 1983.

Also:

By Reps. Gaston and Kvalheim:

H. J. R. 120. COMMENDING ALABAMA NATIONAL GUARD OFFICERS TERRY AND MARY CARTER.

Also:

By Reps. McMillan and Penry:

H. J. R. 121. COMMENDING MR. ALBERT M. PHILIPS OF

SILVERHILL, ALABAMA.

JOHN W. PEMBERTON,
Clerk.**HOUSE MESSAGE**

The Resolutions, H. J. R.'s 117, 118, 119, 120, and 121, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Laird and Holly:

H. J. R. 116. CREATING A BUSINESS AND LABOR POLICY GROUP TO STUDY VARIOUS ASPECTS AFFECTING SMALL BUSINESSES.

WHEREAS, the Alabama Legislature hereby finds and declares:

(1) That the essence of the American economic system is free competition;

(2) That only through full and free competition can free markets, free entry into business, and opportunities for the expression and growth of personal initiative and individual judgment be assured;

(3) That small business stands as a symbol of American character and spirit which includes the traits of individual initiative, self-reliance and creativity; and

(4) That small business has been a major positive factor in the political, economic and social development of the state; and

(5) That the future welfare of the state depends on the continued development of small business; and

(6) That the opportunity for all people to participate in a manner and method of their own choosing has been a hallmark of our free enterprise system; and

(7) That the people of the State of Alabama must be assured of the opportunity and right to participate in our system of free enterprise; and

(8) That it is the sense of the people of Alabama that private enterprise and small business entrepreneurship are essential to the preservation of individual liberty and freedom for all our citizens; and

(9) That all citizens of the State of Alabama have the right to live in an economically diverse society; and

(10) That all citizens of the State of Alabama have the right to own and manage their own business; and

(11) That all citizens of the State of Alabama have an equal entrepreneurial opportunity to participate in our free enterprise system regardless of race, creed and sex; and

(12) That it shall be the declared policy of the people and the legisla-

ture of the State of Alabama to preserve, protect and foster the creation, development and growth of small business in the state; and

(13) That it shall be the policy of the legislature that all agencies, departments, bureaus and instrumentalities of the state government shall take all possible measures to preserve these rights and aggressively foster small business opportunity; and

(14) That the best method of furthering such legislative policies is through the establishment of a permanent state commission for small business development; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a permanent business and labor policy group to study various aspects affecting management and labor. It shall be the duty of this task force to promote the development of legislation affecting small business regulatory matters including but not limited to: taxation, licensing, loan programs, unemployment, workmen's compensation, co-employee's liability, simplification of government rules and regulations, technical assistance and assistance in industrial development for both incorporated and unincorporated small businesses. Members of the task force shall include the President of the Alabama Labor Council, the Director of the Alabama Chamber of Commerce, and two members from the business community and two members from the labor community to be appointed by the Governor for terms of four years. In addition, the Speaker of the House of Representatives shall appoint two members from the House and the Lieutenant Governor shall appoint two members from the Senate, one from business and one from labor in each respective house. The chairman of the Joint Legislative Committee on Small Business shall serve as chairman of the task force. Members of the legislature shall be reimbursed for expenses from funds appropriated for use by the legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 116, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. R. 105

The Senate proceeded to further consideration of the Resolution, S. R. 105.

Senator Cabaniss offered the following amendment to the Resolution, S. R. 105, to-wit:

AMENDMENT TO S. R. 105

Amend S. R. 105 Page 4 Line 20, by inserting a new section 13 which reads as follows:

Did the Governor of the State of Alabama have authority to instruct the Probate Judges of the various counties of Alabama not to count and report the votes which were cast by the people of Alabama on March 13, 1984 on Act No. 81-889 Constitutional Amendment?

Which was adopted.

And said Resolution, S. R. 105, as thus amended, was then adopted by

the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 314. To provide that any appropriations made to the Public Education Employees' Health Insurance Board for the purpose of funding a uniform plan of health insurance for educational personnel shall also include an appropriation to the Public Education Employees' Health Insurance Board for partially funding insurance coverage for retired employees.

was taken up.

Senator Mitchem offered the following amendment to the Bill, S. B. 314, to-wit:

AMENDMENT TO S. B. 314

Amend S. B. 314 on page 2, line 21 by striking the word: "medicaid" and inserting in lieu thereof the word: "medicare".

Which was adopted.

Yeas 14; Nays 0.

Yeas:

Senators:	Cooley	Drinkard	Little	
Bailey	Covington	Goodwin	Mitchem	
Bedsole	deGraffenried	Hand	Strong	
Cabaniss	Denton	Holmes		—14

Nays: —0

And said Bill, S. B. 314, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 23; Nays 1.

Yeas:

Senators:	Bennett	Dial	Holmes	
Aldridge	Bishop	Drinkard	Langford	
Bailey	Cooley	Ellis	Little	
Barron	Covington	Foshee	Mitchem	
Bedford	deGraffenried	Goodwin	Smith (J)	
Bedsole	Denton	Hand	Strong	—23

Nay: Senator: Cabaniss —1

RESOLUTIONS

Senator Dial offered the following Senate Joint Resolution, to-wit:

S. J. R. 107. COMMENDING AND CONGRATULATING CLAY COUNTY HOSPITAL AND NURSING HOME.

WHEREAS, the Joint Commission on Accreditation of Hospitals, a private, non-profit organization which was created by and composed of health care professionals, has inspected Clay County Hospital and Nursing Home; and

WHEREAS, the Joint Commission on Accreditation of Hospitals is governed by representatives of the American College of Surgeons, the Amer-

ican College of Physicians, the American Dental Association, the American Hospital Association and the American Medical Association; and

WHEREAS, the Joint Commission on Accreditation of Hospitals promotes quality health care through establishing high standards, conducting on-site surveys of facilities and awarding accreditation to facilities that meet these standards; and

WHEREAS, these standards are described as "optimal achievable" because they reflect the best of current thinking in the field, with standards revised and developed periodically to keep the level of care consistent with current knowledge, techniques and government regulations; and

WHEREAS, a Joint Committee on Accreditation of Hospitals survey team, including a physician, nurse, hospital administrator, and laboratory technologist, visited and evaluated the performance of Clay County Hospital and Nursing Home in twenty-four different areas, thereupon awarding accreditation to said facility; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we both commend and congratulate Clay County Hospital and Nursing Home on becoming accredited in 1983 by the Joint Commission on Accreditation of Hospitals, and for providing the optimal standard of care for the citizens of Alabama.

On motion of Senator Dial, the Rules were suspended and the Resolution was adopted by the Senate.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 108. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the eleventh legislative day of the 1984 Regular Session only:

Inst Id		Page
S. 128	Alcoholic bevs., sale of to minors, provid. further, Sec. 28-3A-25 am'd.	60
S. 12	Firearms, discharging of into dwelling, train, airplane, truck or boat, prohib.	5
S. 84	Probate Code, amending and repealing various Sections of Title 43, Chapters 2 and 8, so as to clarify inconsistencies of State Probate Code.	40
S. 275	Prisoner whose death sentence is commuted by Gov., req. serve life sentence without parole, Sec. 15-22-27 am'd.	39
S. 274	Mental Health officials, deposition in crim. case, taking auth., Sec. 22-50-22 am'd.	38
S. 114	Alcoholic beverages; sales territories for manufacturers and importers reg.	3
S. 262	Law enforcement officers and firemen, death benefits to survivors incr., Sec. 36-30-2 am'd.	36
S. 130	Nonprofit Corp. Act.	29
S. 321	Electric suppliers, service territories estab. to elim. dup. of retail electric service within certain municipalities; supp. reg.	75

S. 356 County commission membs. and Revenue Commissioners, min. salary reg., Sec. 11-3-4.1 am'd. 48

On motion of Senator Bishop, the Resolution was adopted by the Senate.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 128. To amend Section 28-3A-25, Code of Alabama 1975, which provides for certain unlawful acts and offenses under the Alcoholic Beverage Licensing Code, so as to further define the offense of sales of alcoholic beverages to minors.

And said Bill, S. B. 128, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Senators:	Bishop	Dial	Hilliard	
Bailey	Cabaniss	Drinkard	Holmes	
Barron	Corbett	Ellis	Little	
Bedford	Covington	Foshee	Parsons	
Bedsole	deGraffenried	Goodwin	Smith (J)	
Bennett	Denton	Hand	Strong	—23

Nays: —0

Senator Bailey moved that the Senate reconsider the vote by which the Bill, S. B. 128, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

S. 12. To prohibit the acts of shooting or discharging a firearm, explosive or other weapon which discharges a dangerous projectile into any occupied or unoccupied dwelling or building or railroad locomotive or railroad car, aircraft, automobile, truck or watercraft and to prescribe felony punishment for such acts.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Bishop	Dial	Holmes	
Aldridge	Cabaniss	Drinkard	Little	
Bedford	Corbett	Ellis	Parsons	
Bedsole	deGraffenried	Foshee	Smith (J)	
Bennett	Denton	Hand	Strong	—19

Nays: —0

The Bill:

S. 84. To further amend the probate laws so as to clarify certain in-

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consistencies in portions of the "Probate Code" and probate laws by amending Sections 43-2-230, 43-2-231, 43-2-312, 43-2-313, 43-2-315, 43-2-316, 43-2-336, 43-2-412, 43-2-441, 43-2-442, 43-2-450, 43-2-510, 43-8-114, 43-8-132, as amended and repealing Sections 43-2-314, 43-2-317, 43-2-449, 43-2-466 as amended, of the Code of Alabama.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Senators:	Cabaniss	Dial	Holmes
Aldridge	Cooley	Drinkard	Little
Amari	Corbett	Ellis	Parsons
Bedford	Covington	Foshee	Smith (J)
Bedsole	deGraffenried	Goodwin	Strong
Bennett	Denton	Hand	

—22

Nays: —0

The Bill:

S. 275. To amend §15-22-27 to provide that an inmate whose death sentence was imposed under a statute providing life imprisonment without parole as an alternative punishment for the capital offense shall serve a sentence of life imprisonment without parole if his death sentence is so commuted by the Governor; and to specify the sentences to which this Act applies; to provide what shall be the effect of any holding that such a limitation on parole is ineffective or invalid; and to specify the effective date of this Act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Cabaniss	Dial	Hand
Aldridge	Cooley	Drinkard	Holmes
Amari	Corbett	Ellis	Little
Bedford	Covington	Foshee	Mitchem
Bedsole	deGraffenried	Goodwin	Smith (J)
Bennett	Denton		

—21

Nays: —0

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 314. To provide that any appropriations made to the Public Education Employees' Health Insurance Board for the purpose of funding a uniform plan of health insurance for educational personnel shall also include an appropriation to the Public Education Employees' Health Insurance

Board for partially funding insurance coverage for retired employees.

CHARLES BISHOP,
Chairperson.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 50
S. J. R. 52
S. J. R. 54
S. J. R. 55
S. J. R. 59
S. J. R. 61
S. J. R. 62
S. J. R. 64
S. J. R. 76
S. J. R. 77
S. J. R. 78
S. J. R. 79
S. J. R. 82
S. J. R. 85
S. J. R. 86
S. B. 27
S. B. 28
S. B. 29
S. B. 31
S. B. 32
S. B. 33
S. B. 34
S. B. 35
S. B. 36
S. B. 37
S. B. 38
S. B. 41
S. B. 42
S. B. 43
S. B. 44
S. J. R. 29

Delivered to the Governor, March 20, 1984, at 4 o'clock P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 4:40 P.M., on motion of Senator deGraffenried, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Thursday, March 22, 1984, at 10 o'clock A.M.

**TWELFTH LEGISLATIVE DAY
THURSDAY, MARCH 22, 1984**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by the Reverend Wayne B. Jones, Pastor, Highland Avenue Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Paul W. Tibbets, IV, Jeff Davis High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Cooley	Ellis	Mitchem
Aldridge	Corbett	Figures	Parsons
Amari	Covington	Foshee	Pearson
Bailey	deGraffenried	Hand	Sanders
Barron	Denton	Hilliard	Smith (J)
Bedsole	Dial	Holmes	Strong
Bishop	Dixon	Little	Teague
Cabaniss	Drinkard	Menton	

—30

JOURNAL

On motion of Senator Teague, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eleventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Eleventh Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator Teague, leave of absence was granted Senators Bedford, Bennett, Goodwin, Langford, and Smith (B) for today.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 91. To amend Section 8-8-5 of the Code of Alabama 1975, which relates to interest rates, so as to remove the Sunset or termination date on the provisions of said section as it applies to loans of \$25,000.00 or less.

JOHN W. PEMBERTON,
Clerk.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Smith (J) (With Notice and Proof):

S. 459. Relating to Madison County; amending Act No. 79-784, H. 906 of the 1979 Regular Session (Acts 1979, p. 1412), which provides the procedure for filling judicial vacancies in the county, so as to provide further for said procedure and to provide for its retroactive date.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 459, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Smith (J):

S. 460. To authorize certain surplus state owned property to be loaned to volunteer ambulance services and volunteer rescue squads; to provide for a screening procedure and the final disposition of said property; and to provide for certain criminal penalties for violating the provisions of this act.

Committee on Governmental Affairs.

By Senator Smith (J):

S. 461. To amend Sections 11-46-69 and 11-46-140 of the Code of Alabama 1975, relating to grounds for contesting certain municipal elections, so as to include good faith human error as a permissible cause.

Committee on Governmental Affairs.

By Senator Teague:

S. 462. To authorize any municipality or group of municipalities, either individually or collectively, to establish a health and accident self-insurance group for the purpose of providing health care and hospital benefits for their officers, employees and family members dependent upon such officers or employees; to authorize the use of public funds in providing such benefits; to provide procedures for the establishment and operation of such groups; to exempt such groups from the regulation by the Department of Insurance of the State of Alabama; to exempt such groups from insurance premium taxes; and to establish an effective date.

Committee on Banking and Insurance.

By Senator Teague:

S. 463. Providing for non-profit organizations in the State to purchase goods and services through the Purchases and Stores Division of the Department of Finance, upon request, and purchase products and services offered by the Correctional Industries Division of the Department of Corrections.

Committee on Governmental Affairs.

By Senator Mitchem:

S. 464. To create and establish the Legislative Information Office; to provide for the supervision and funding of said office by the Legislative Council; to prescribe the duties, powers and functions of the Legislative Information Office; to provide for the appointment and compensation of a Director and other employees of the Legislative Information Office; and to prescribe the duties, powers and functions of said Director.

Committee on Governmental Affairs.

By Senator Teague:

S. 465. To amend certain sections of Chapter 2 of Title 14 of the Code of Alabama 1975 to authorize the Alabama Corrections Institution Finance Authority to lease correctional facilities to municipal corporations, public corporations, counties, the federal government and agencies of the federal government; to delete the limitations on the aggregate principal amount of promissory notes and bonds authorized to be issued by the Authority; to provide for the maximum maturity of bonds of the Authority and the manner of sale thereof; to provide for the security for bonds issued by the Authority; to authorize municipal corporations, public corporations and counties to convey property to the Authority and to lease correctional facilities from the Authority; to provide for lease by the Authority of vacant or unused facilities; to provide for disposition of the Authority's properties upon the dissolution of the Authority; and to exempt all contracts and leases of the Authority from the competitive bid laws.

Committee on Finance and Taxation.

By Senator Teague:

S. 466. To provide for the establishment of a uniform plan of Health Insurance for Employees and, under certain conditions, retired employees, of employers participating in the Employees' Retirement System of Alabama under the provisions of § 36-27-6, Code of Alabama, 1975 as amended. To provide for the creation of the local Employees' Health Insurance Board, its authority, responsibilities, powers, and duties and to provide for the terms of its members. To prescribe the coverage which may be provided by said Board and the method of funding the cost of said coverage. To further provide that the Board upon certain findings, may develop a plan of self insurance.

Committee on Banking and Insurance.

By Senator Teague:

S. 467. To provide for one additional circuit judgeship each for the 11th, 13th, 15th and 28th judicial circuits of Alabama; to provide for four additional circuit judgeships for the 10th judicial circuit; to prescribe the jurisdiction, powers, duties, responsibilities and compensation of such judges; to increase the number of circuit judges in each of these judicial

circuits by amending Section 12-17-20, Code of Alabama 1975; to provide for the designation of these additional judgeships to particular divisions of the respective circuit courts; to provide for the initial appointment by the Governor of judges to fill these positions beginning October 1, 1984; to provide for the subsequent election of judges to fill these positions; to provide an appropriation to the Unified Judicial System to fund said judgeships; to repeal Acts 82-546 and 82-676; and, to provide an effective date.

Committee on Finance and Taxation.

By Senator Cabaniss:

S. 468. To amend Sections 33-5-10 and 33-5-13 of the Code of Alabama 1975, relating to further regulation of the issuance and renewal of boat registration certificates; and to increase the issuance fees therefor.

Committee on Agriculture, Conservation,
and Forestry.

By Senators Mitchem, Barron, Bailey, and Cooley:

S. 469. To make an appropriation, in addition to any other appropriation provided, of \$500,000 from the special educational trust fund for the fiscal year ending September 30, 1984, to Auburn University's Agricultural Experiment Station for the purchase of equipment and facilities in poultry research and Farm Phase II research.

Committee on Finance and Taxation.

By Senators Mitchem and Barron:

S. 470. To provide for the criminal offense of theft of trade secrets and trademarks and to prescribe penalty for conviction of such offense.

Committee on Judiciary.

By Senator Smith (J):

S. 471. To exempt the Huntsville Symphony Orchestra Guild and the Huntsville Symphony Orchestra Association from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

By Senator Dial:

S. 472. To amend Section 9-3-12, Code of Alabama 1975, relating to the state forestry commission steering committee, so as to provide further for an increase in committee members and their appointment.

Committee on Agriculture, Conservation,
and Forestry.

By Senator Mitchem:

S. 473. To amend Section 41-7-3 Code of Alabama 1975, which relates to the Advisory Board for the Bureau of Publicity and Information, so as to increase the membership of that Board from twelve to seventeen members.

Committee on Governmental Affairs.

By Senator Dial:

S. 474. To provide that only the chancellor of the postsecondary education department need authorize and approve out-of-state travel authori-

zation for employees and appointees under the jurisdiction of such department.

Committee on Education.

By Senator Figures:

S. 475. To provide for a state historic park and landmarks district in Mobile County to be known as "Africatown, U.S.A. State Historic Park and Landmarks District"; to provide for a public corporation for the purpose of developing, improving and maintaining such park and district; to prescribe the boundaries of such park and district and to authorize the Governor to enter into certain agreements with the progressive league for the development, supervision and maintenance of such park and district.

Committee on Agriculture, Conservation,
and Forestry.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 177. To amend Sections 25-4-55, 25-4-56, 25-4-57, 25-4-58, 25-4-70, 25-4-75 and 25-4-77, Code of Alabama 1975, as last amended so as to provide that the Special Federal Advance Interest Repayment Fund established by ACT 83-178 will be permanently available as mandated by P.L. 98-21; and to provide for disbursement therefrom, and for discontinuing assessments thereafter when no funds are due or needed; and to provide for disposition of any balances in such fund; to expand the provisions of the Code to provide for denial of benefits during customary vacation periods and holiday or other usual recesses to the same extent as now provided for between term and academic year periods; to provide denial of benefits to employees of certain educational service agencies to the same extent and under the same conditions as now provided for employees of educational institutions; and to define "educational service agencies"; and to exempt from disqualification from receiving benefits individuals whose failure to seek work was due to jury duty as defined herein.

Also:

H. 330. To provide for the salary of the probate judge of St. Clair County and to provide for retroactive effect.

Also:

H. 331. Relating to St. Clair County; to provide for additional expense allowances for certain county officials.

Also:

H. J. R. 77. COMMENDING THE ALABAMA ASSOCIATION OF THE NATIONAL HONOR SOCIETY.

Also:

H. J. R. 91. CREATING A JOINT LEGISLATIVE-JUDICIAL COMMITTEE TO STUDY, DEVELOP PLANS, AND MAKE RECOMMENDATIONS FOR A NEW JUDICIAL BUILDING FOR THE STATE OF ALABAMA.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Jim Bennett to the Jacksonville State University Board of Trustees.

On motion of Senator Denton, the appointment of Mr. Bennett was confirmed by the Senate.

Yeas 20; Nays 0.

Yeas:

Senators:	Dial	Hand	Mitchem	
Bailey	Dixon	Hilliard	Sanders	
Bedsole	Drinkard	Holmes	Smith (J)	
Bishop	Ellis	Little	Strong	
Covington	Figures	Menton	Teague	
Denton				—20

Nays:

—0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Robert E. Lawson to the Livingston State University Board of Trustees.

On motion of Senator Denton, the appointment of Mr. Lawson was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Little	
Aldridge	Cooley	Figures	Menton	
Amari	Covington	Foshee	Mitchem	
Bailey	Denton	Hand	Strong	
Bedsole	Drinkard	Holmes		—18

Nays:

—0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. R. R. Johnson to the Livingston State University

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Board of Trustees.

On motion of Senator Denton, the appointment of Mr. Johnson was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Senators:	Bishop	Dial	Menton	
Aldridge	Cooley	Drinkard	Mitchem	
Amari	Covington	Foshee	Strong	
Bailey	deGraffenried	Hand	Teague	
Bedsole	Denton	Little		—18

Nays: —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Ms. Gladys Carlisle to the Jacksonville State University Board of Trustees.

On motion of Senator Denton, the appointment of Ms. Carlisle was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Senators:	Bishop	Dial	Menton	
Aldridge	Cooley	Drinkard	Mitchem	
Amari	Covington	Ellis	Parsons	
Bailey	deGraffenried	Hand	Strong	
Bedsole	Denton	Little		—18

Nays: —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Paul Carpenter to the Jacksonville State University Board of Trustees.

On motion of Senator Denton, the appointment of Mr. Carpenter was confirmed by the Senate.

Yeas 18; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Parsons	
Aldridge	Cooley	Foshee	Smith (J)	
Amari	deGraffenried	Hand	Strong	
Bailey	Denton	Menton	Teague	
Bedsole	Drinkard	Mitchem		—18

Nays: —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Gover-

nor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Colonel Max V. McLaughlin to the rank of Brigadier General in the Army National Guard.

On motion of Senator Denton, the appointment of Colonel McLaughlin was confirmed by the Senate.

Yeas 21; Nays 0.

Yeas:

Senators:	Cooley	Drinkard	Menton	
Aldridge	Covington	Ellis	Mitchem	
Amari	deGraffenried	Foshee	Smith (J)	
Bailey	Denton	Hand	Strong	
Bedsole	Dial	Little	Teague	
Bishop	Dixon			—21

Nays: —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Cecil Johnson to the Polygraph Examiners Board.

On motion of Senator Denton, the appointment of Mr. Johnson was confirmed by the Senate.

Yeas 22; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Menton	
Aldridge	Cooley	Drinkard	Mitchem	
Amari	Covington	Ellis	Smith (J)	
Bailey	deGraffenried	Foshee	Strong	
Bedsole	Denton	Hand	Teague	
Bishop	Dial	Little		—22

Nays: —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Justice D. Smyth, III as an Advisory Consultant to the Polygraph Examiners Board.

On motion of Senator Denton, the appointment of Mr. Smyth was confirmed by the Senate.

Yeas 21; Nays 0.

Yeas:

Senators:	Bishop	Denton	Hand
Aldridge	Cabaniss	Dial	Little
Amari	Cooley	Drinkard	Menton
Bailey	Covington	Ellis	Mitchem
Bedsole	deGraffenried	Foshee	Smith (J)

Nays: —0

Nays: —0

BE IT FURTHER RESOLVED, That a copy of the resolution be sent

to all state agencies that they may know of our legislative support of this requirement.

On motion of Senator Denton, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 72. CREATING THE LIMESTONE COUNTY EDUCATIONAL TASK FORCE.

Senator Smith (J) offered the following amendment to the Resolution, S. J. R. 72, to-wit:

AMENDMENT TO S. J. R. 72

Amend S. J. R. 72 Page 4 Line 3, by striking out the date "June 4," and by substituting in lieu thereof, the following:

"Sept. 1."

Which was adopted.

And on motion of Senator Smith (J), said Resolution, S. J. R. 72, as thus amended, was then adopted by the Senate.

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 83. EXPRESSING APPRECIATION TO THE U.S. MARINES WHO SERVED IN LEBANON.

On motion of Senator Bailey, the Resolution was then adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 10. MEMORIALIZING GOVERNOR WALLACE TO RE-ACTIVATE THE THIRD ALABAMA VOLUNTEER CAVALRY CORPS AS A UNIT OF ALABAMA'S NATIONAL GUARD.

Also:

H. J. R. 40. REQUESTING THAT THE INTERSTATE COMMERCE COMMISSION HOLD A PUBLIC HEARING ON AB-55 (SUB. NO. 96).

On motion of Senator Denton, the Resolutions were then concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 44. CREATING SELECT COMMITTEE TO CONSIDER HOSTING SOUTHERN LEGISLATIVE CONFERENCE ON CHILDREN AND YOUTH IN ALABAMA.

Also:

S. J. R. 99. COMMENDING THE ALABAMA ASSOCIATION OF COLLEGE TEACHERS OF MATHEMATICS AND THE ALABAMA COUNCIL OF TEACHERS OF MATHEMATICS.

Also:

S. J. R. 100. MOURNING THE DEATH OF MR. EDWARD A. DANNELLY OF ANDALUSIA, ALABAMA.

Also:

S. J. R. 101. NAMING THE HEALTH AND ARTS BUILDING AT ALEXANDER CITY STATE JUNIOR COLLEGE, THE "W. BYRON CAUSEY HEALTH EDUCATION AND ARTS COMPLEX."

Also:

S. J. R. 102. COMMENDING CLAIRE NELL FULLER.

Also:

S. J. R. 103. EXPRESSING JUDGEMENT THAT EXPENDITURES SHOULD BE MADE BY POSTSECONDARY SCHOOLS IN COMPROMISE OF CLAIMS RESULTING FROM FAILURE OF HOSPITAL-MEDICAL INSURANCE PROGRAM.

Also:

S. J. R. 104. MOURNING THE DEATH OF MR. JAMES DONALD BULGER, PROMINENT ALABAMA EDUCATOR.

JOHN W. PEMBERTON,
Clerk.

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 42. DESIGNATING HIGHWAYS FOR THE DELIVERY OF TRUCK TRAILERS MANUFACTURED IN COFFEE AND PIKE COUNTIES.

On motion of Senator Denton, the Resolution was then concurred in and adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable

report, to-wit:

H. J. R. 57. EGYPT, MOTION PICTURE POLICY CONDEMNED.

On motion of Senator Denton, the Resolution was then concurred in and adopted by the Senate.

On motion of Senator Dixon, the Senate reconsidered the vote by which the Resolution, H. J. R. 57, was concurred in and adopted.

Senator Dixon then moved that the Resolution, H. J. R. 57, be recommitted to the Standing Committee on Rules.

And the President and Presiding Officer of the Senate recommitted said Resolution, H. J. R. 57, to the Standing Committee on Rules.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 70. JUDICIAL SYSTEM OF U.S., U.S. CONGRESS URGED TO STUDY.

On motion of Senator Holmes, the Resolution was then concurred in and adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 75. PETITIONING THE PRESIDENT OF THE UNITED STATES TO REESTABLISH OFFICIAL GOVERNMENTAL RELATIONS WITH THE REPUBLIC OF CHINA AND PETITIONING OF THE CONGRESS OF THE UNITED STATES TO TAKE ANY NECESSARY ACTION TO PROVIDE SPECIFIC SECURITY GUARANTEES FOR THE REPUBLIC OF CHINA.

Also:

H. J. R. 76. COMMENDING MR. N.F. PLUNKETT, JR., NATIONAL TRUCK DRIVER OF THE YEAR.

Also:

H. J. R. 94. COMMENDING MR. AND MRS. CHESTER TURNER OF POLLARD, ALABAMA, ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

On motion of Senator Denton, the Resolutions were then concurred in and adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 101. RECOGNIZING MARCH 2, 1984, AS CENTRAL HIGH LADY FALCONS DAY.

Also:

H. J. R. 102. COMMENDING COACH NELSON R. HUGHES OF SUMTER COUNTY, LIVINGSTON HIGH SCHOOL.

Also:

H. J. R. 105. NAMING THE COLLINSVILLE NATIONAL GUARD ARMORY, THE "SAMUEL CURTIS JONES ARMORY".

Also:

H. J. R. 110. COMMENDING MRS. JEANETTE GROSS GUTHRIE OF JASPER, ALABAMA, MOTHER OF THE YEAR 1984.

Also:

H. J. R. 112. COMMENDING MR. AND MRS. LAWRENCE LEVI DELAINE ON THE CELEBRATION OF THEIR 64TH WEDDING ANNIVERSARY.

Also:

H. J. R. 109. URGING CONGRESS TO ADOPT SCHOOL PRAYER AMENDMENT.

On motion of Senator Dixon, the Resolutions were then concurred in and adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 37. SETTING THE PROCEDURE TO BE FOLLOWED PRIOR TO THE CONVENING OF THE SENATE.

Also:

S. R. 65. COMMENDING MR. DONALD H. PATTERSON, PROMINENT FLORENCE, ALABAMA, ATTORNEY.

Also:

S. R. 66. COMMENDING DR. CHARLES DAVID PRITCHARD OF FLORENCE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

S. R. 67. COMMENDING MR. G. OLEN GREEN OF MUSCLE SHOALS, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND COMMUNITY INVOLVEMENT.

Also:

S. R. 68. COMMENDING DR. O.E. CORFMAN OF FLORENCE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND COMMUNITY INVOLVEMENT.

Also:

S. R. 69. COMMENDING MR. STANLEY R. NEWTON OF FLORENCE, ALABAMA.

Also:

S. R. 70. COMMENDING DR. DANIEL W. PIERONI OF SHEFFIELD, ALABAMA.

Also:

S. R. 71. COMMENDING MR. ROY MILLER, PROMINENT FLORENCE, ALABAMA, BUSINESSMAN AND CIVIC LEADER.

Also:

S. R. 94. COMMENDING MR. ALLEN ROBERT TOMLINSON, III, OF FLORENCE, ALABAMA, FOR OUTSTANDING COMMUNITY INVOLVEMENT.

Also:

S. R. 93. COMMENDING DR. SEABORN M. CHAPPELL OF FLORENCE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

S. R. 95. COMMENDING DR. CARL ALLAN BARNES OF FLORENCE, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

S. R. 97. CONGRATULATING GLENN BRACKEN ON HIS SELECTION AS CHANNEL 19 NEWS DIRECTOR.

On motion of Senator Dixon, the Resolutions were then adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 124. COMMENDING MONTGOMERY'S CLOVERDALE JUNIOR HIGH SCHOOL BASKETBALL TEAM, RUNNER-UP FOR THE STATE CHAMPIONSHIP.

Also:

H. J. R. 127. INVITING VICE PRESIDENT GEORGE BUSH TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

On motion of Senator Dixon, the Resolutions were then concurred in and adopted by the Senate.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 110. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twelfth legislative day of the 1984 Regular Session only:

Inst Id	Page
S. 73 Fishing licenses, non-resident; trip and annual; increasing the fees for.	45

On motion of Senator Bishop, the Resolution was adopted by the Senate.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama State University Board of Trustees.

Respectfully submitted,

ELVIN STANTON,
Executive Secretary.

Done this 20th day of March, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the Alabama State University Board of Trustees for the term expiring 1/31/90:

Larry Keener
816 Chestnut Street
Gadsden, AL 35901

Respectfully submitted,

GEORGE C. WALLACE,
Governor.

Done this 20th day of March, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State University Board of Trustees, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Credit Union Board of the Bureau of Credit Unions.

Respectfully submitted,

ELVIN STANTON,
Executive Secretary.

Done this 20th day of March, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the Credit Union Board of the Bureau of Credit Unions for the term expiring 2/1/90:

James D. Stephens
President
Tuscaloosa Teachers Credit Union
1100 21st, E
Tuscaloosa, AL 35401

Respectfully submitted,
GEORGE C. WALLACE,
Governor.

Done this 20th day of March, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Credit Union Board of the Bureau of Credit Unions, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Credit Union Board of the Bureau of Credit Unions.

Respectfully submitted,
ELVIN STANTON,
Executive Secretary.

Done this 20th day of March, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the Credit Union Board of the Bureau of Credit Unions for the term expiring 2/1/90:

Gene S. Mauldin
Alabama Telco Credit Union
3613 6th Avenue, S
Birmingham, AL 35203

Respectfully submitted,
GEORGE C. WALLACE,
Governor.

Done this 20th day of March, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Credit Union Board of the Bureau of Credit Unions, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Credit Union Board of the Bureau of Credit Unions.

Respectfully submitted,
ELVIN STANTON,
Executive Secretary.

Done this 20th day of March, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the Credit Union Board of the Bureau of Credit Unions for the term expiring 2/1/90:

Robert McSwain
Alabama State Employees
Credit Union
Montgomery, AL 36130

Respectfully submitted,
GEORGE C. WALLACE,
Governor.

Done this 20th day of March, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Credit Union Board of the Bureau of Credit Unions, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an

appointment to the Alabama State University Board of Trustees.

Respectfully submitted,

ELVIN STANTON,
Executive Secretary.

Done this 20th day of March, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the Alabama State University Board of Trustees for the term expiring 1/31/90:

Ross Dunn
Rt. 2, Box 923
Lanett, AL 36863

Respectfully submitted,

GEORGE C. WALLACE,
Governor.

Done this 20th day of March, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State University Board of Trustees, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama A&M University Board of Trustees.

Respectfully submitted,

ELVIN STANTON,
Executive Secretary.

Done this 20th day of March, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the Alabama A&M University Board of Trustees for the term expiring 1/31/90:

Dinsimore C. Robinson
4023 Cedar Gate Road, NW
Huntsville, AL 35804

**REGULAR SESSION
12th Day**

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Respectfully submitted,
GEORGE C. WALLACE,
Governor.

Done this 20th day of March, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama A&M University Board of Trustees, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Farmers Market Authority.

Respectfully submitted,
ELVIN STANTON,
Executive Secretary.

Done this 20th day of March, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the Farmers Market Authority for the term expiring 2/1/90:

Gerald Aplin
Rt. 5
Dothan, AL 36301

Respectfully submitted,
GEORGE C. WALLACE,
Governor.

Done this 20th day of March, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Farmers Market Authority, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama A&M University Board of Trustees.

Respectfully submitted,

ELVIN STANTON,
Executive Secretary.

Done this 20th day of March, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the Alabama A&M University Board of Trustees for the term expiring 1/31/90:

Robert Hughes
P.O. Box 324
Florence, AL 35630

Respectfully submitted,

GEORGE C. WALLACE,
Governor.

Done this 20th day of March, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama A&M University Board of Trustees, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Farmers Market Authority.

Respectfully submitted,

ELVIN STANTON,
Executive Secretary.

Done this 20th day of March, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the Farmers Market Authority for the term expiring 2/1/90:

Earl Goodwin
Box 886
Selma, AL 36701

Respectfully submitted,
GEORGE C. WALLACE,
Governor.

Done this 20th day of March, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Farmers Market Authority, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama State University Board of Trustees.

Respectfully submitted,
ELVIN STANTON,
Executive Secretary.

Done this 20th day of March, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the Alabama State University Board of Trustees for the term expiring 1/31/90:

Richard Arrington, Jr.
1245 Mims Street
Birmingham, AL 35211

Respectfully submitted,
GEORGE C. WALLACE,
Governor.

Done this 20th day of March, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama State University Board of Trustees, was read and referred to the Standing Committee on Rules.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 111. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twelfth legislative day of the 1984 Regular Session only:

Inst Id		Page
S. 108	Talladega County; Co. Commission authorized to assess \$.10 per acre charge against forest land for fire protection.	74
S. 153	Chambers Co., branch banks auth.	67
S. 245	Cullman Co., Sheriff auth. to auction abandoned prop.	74
S. 246	Cullman Co., document recording fee levied, funds to be used for Probate Judge data processing equipment	75
S. 247	Cullman Co., co. comm., full time status, comp., duties re. co. rds.	75
S. 249	Cullman Co., sheriff, probate judge, ct. reporter, coroner, Revenue Commissioner, comp.	75
S. 250	Cullman Co., procedure for sales and redemption of real prop. estab.	76
S. 251	Cullman Co., billiard rooms, hrs., municipalities auth. to reg.	76
S. 381	Jefferson Co., Ass't. Probate judge of Bessemer Div., removed from ballot, Act 458, Reg. Sess. 1975 am'd.	71
S. 393	10th Jud. Cir., (Jefferson Co.), Bessemer Cut-off, deputy cir. clk., supp. salary	72

On motion of Senator Bishop, the Resolution was adopted by the Senate.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Alabama A&M University Board of Trustees.

Respectfully submitted,

ELVIN STANTON,
Executive Secretary.

Done this 20th day of March, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the Alabama A&M University Board of Trustees for the term expiring 1/31/90:

Thomas E. Fuller
Alabama Cooperative Service
Frank Turner Hall
Washington County Office
Chatom, AL 36518

Respectfully submitted,
GEORGE C. WALLACE,
Governor.

Done this 20th day of March, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Alabama A&M University Board of Trustees, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (Roy):

H. J. R. 156. BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when we adjourn on Thursday, March 29, 1984; we adjourn to meet again on Tuesday, April 3, 1984; on Thursday, April 5, 1984; on Tuesday, April 10, 1984; on Thursday, April 12, 1984; on Tuesday, April 17, 1984; on Thursday, April 19, 1984; on Tuesday, April 24, 1984; on Wednesday, April 25, 1984; on Thursday, April 26, 1984; on Tuesday, May 1, 1984; on Wednesday, May 2, 1984; on Thursday, May 3, 1984; on Tuesday, May 8, 1984; on Wednesday, May 9, 1984; on Thursday, May 10, 1984; and again on Monday, May 21, 1984; and that when we adjourn on Monday, May 21, 1984, we adjourn Sine Die.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 156, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Reso-

lution and sends same herewith to the Senate for its consideration:

By Reps. Rains and Carter:

H. J. R. 141. COMMENDING MR. THOMAS Z. ATKESON OF DECATUR, ALABAMA FOR OUTSTANDING ACHIEVEMENT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 141, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. White (F), Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby:

H. J. R. 143. MOURNING THE DEATH OF MR. JAMES McCOY MAYS OF ATMORE, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 143, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Kvalheim:

H. J. R. 66. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY THE PURCHASE OF A PORTION OF DAUPHIN ISLAND.

Also:

By Reps. Holmes, Buskey (John), Hooper, Starr, and McKee:

H. J. R. 144. HONORING THE CARVER HIGH SCHOOL WOLVERINES, STATE 4A BASKETBALL CHAMPIONS.

Also:

By Reps. White (L.) and Venable:

H. J. R. 145. NAMING THE HEALTH AND ARTS BUILDING AT ALEXANDER CITY STATE JUNIOR COLLEGE, THE "W. BYRON CAUSEY HEALTH EDUCATION AND ARTS COMPLEX."

Also:

By Rep. Rogers:

H. J. R. 146. COMMENDING OMICRON LAMBDA CHAPTER OF ALPHA PHI ALPHA FRATERNITY.

Also:

By Rep. Flowers:

H. J. R. 147. MOURNING THE DEATH OF STATE CONSERVATION OFFICER GRADY RUSSELL JACKSON.

Also:

By Rep. Rains:

H. J. R. 150. COMMENDING MR. AND MRS. LUTHER EDGAR BETHUNE ON THEIR 53RD WEDDING ANNIVERSARY.

Also:

By Rep. Turner:

H. J. R. 151. COMMENDING MR. NORMAN H. DAVIS FOR OUTSTANDING SERVICE AS DIRECTOR OF THE MOBILE COUNTY EMERGENCY MANAGEMENT AGENCY.

Also:

By Reps. Carothers, Grimsley, and Mathis:

H. J. R. 152. COMMENDING DOTHAN HIGH SCHOOL BAND AND DIRECTORS, TONY AND RHONDA WHETSTONE.

Also:

By Reps. Gaston and Kvalheim:

H. J. R. 153. COMMENDING BUNNIE E. SUTTON, MOBILE, ALABAMA, FOR HER OUTSTANDING CIVIC AND CHARITABLE CONTRIBUTIONS.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 66, 144, 145, 146, 147, 150, 151, 152, and 153, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 39. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Heating and Air Conditioning Contractors as provided in Sections 34-31-18 through 34-31-34, Code of Alabama 1975, and the legislature's concurrence thereof.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Blake:

H. 371. To provide for an appeal by the State of Alabama in criminal cases from a decision, order, or judgment of the trial court in certain instances; to provide the procedures applicable to such appeals; and to provide how such appeals are to be governed.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 371. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Coleman, Bachus, Junkins, Sasser, Payne, Hooper, and Newman:

H. 362. To provide for court ordered continuing income withholding by employers as a discretionary judicial means of enforcing restitution orders in criminal cases; to provide further that after notice and hearing such income withholding orders may also be issued for the enforcement of previously ordered restitution obligations which are delinquent; to provide further that other income or assets may be attached for the enforcement of restitution orders; to provide further that any court order requiring the withholding or attachment of assets or income may be modified or rescinded on certain conditions; to provide further for service of court orders withholding income or attaching assets; to provide further for service by certified mail, return receipt requested and for the taxing of costs of such service; to provide further that income withholding orders or orders attaching assets shall take precedence over subsequently issued garnishments or writs except as the same applies to the support of any dependent children of the defendant; to provide that no employer may discharge a person solely because of such order; and to provide that any person who refuses to comply

with the order may be deemed to be in contempt of court and liable to the victim for amounts not withheld; and to provide for legislative findings, policy, and judicial construction.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 362. To the Committee on Judiciary.

REPORTS OF COMMITTEES

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Hilliard (With Amendment):

S. 366. To amend Sections 15-22-23 and 15-22-36 of the Code of Alabama 1975, as amended by Act No. 83-750 of the 1983 Regular Session, which relates to the authority of the board of pardons and paroles to grant pardons and paroles, so as to provide further for notification procedures and exceptions thereto after the exercise of due diligence.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Teague:

S. 413. To amend the Alabama Uniform Certificate of Title and Antitheft Act by repealing Sec. 32-8-48 Code of Alabama 1975, and by amending Sec. 32-8-87 Code of Alabama 1975, to include certain requirements set forth in Sec. 32-8-48 repealed herein, to remove the requirement of surrendering the vehicle identification number plate in certain instances, to provide for the issuance of a salvage certificate of title and the assignment of same, to exempt insurance companies from titling motor vehicles in the name of the company in certain instances, to redefine total loss motor vehicles for clarity and to require certain other documents or items to be surrendered to the Department of Revenue in certain instances.

By Senators Amari and Bennett:

S. 399. Relating to exempt property and allowances under the Probate Code; to permit employers to pay to the surviving spouse or to a person with custody over surviving children any wages or salary due an employee who dies intestate, said sum being considered a part of other exempt property and allowances.

By Senator Cooley:

S. 388. To amend the obscenity laws, specifically amending Section 13A-12-151, Code of Alabama 1975, so as to provide for the punishment of obscene communications by telephone made for commercial purposes.

By Senator Covington:

S. 404. To provide that all probate judges shall not receive for record, or permit the recording of, any instrument, conveying title to, or any interest in, real property that does not have legibly printed, typewritten or stamped thereon the grantee's name and latest complete address.

By Senators Amari and Menton:

S. 449. To insure that all persons whose primary condition is mental retardation and are accused of a crime, be identified by appropriate testing procedures between the time of their arrest and first formal court appearance so that insofar as is possible within the existing criminal justice system, such individuals can be most fairly processed in view of their special problems.

By Senator Aldridge:

S. 441. To amend Section 9-11-264, Code of Alabama 1975, relating to strict liability for civil damages to certain persons and domestic animals of persons using traps to capture or kill certain animals, so as to delete the exemption for Lawrence County.

Senator Bailey, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Teague:

S. 152. To amend Section 9-13-63, Code of Alabama 1975, which provides for the maintaining of records of purchases of manufactured forest products, so as to increase the penalty for failure to maintain such records.

Senator Bailey, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Holmes, Foshee, Bedford, Bailey, Goodwin, Menton, Mitchem, deGraffenried, Barron, Bishop, Parsons, and Dial (With Amendment):

S. 336. To require that all nonresident aliens that own or lease agricultural land, or engage in farming within Alabama must annually report to the Commissioner of Agriculture and Industries, and to establish penalties for failure to report.

By Senators Mitchem, Bailey, and Little (With Amendment):

S. 403. To amend Section 2-3-20, Code of Alabama (1975); to provide for farmers' market facilities throughout this State for the efficient handling and sale of agricultural and agriculture related products; to create a certain farmers' market committee to advise on matters pertaining to such facilities; to prescribe the composition of such committee and the terms, duties, meetings, regulations and compensation of its membership; to prescribe punishment for violators of regulations adopted pursuant to this Act.

Senator Bailey, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a

favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Mitchem:

S. 412. To amend Section 9-15-38, Code of Alabama 1975, relating to the sales of timber or minerals from school or swamp and overflowed lands, so as to remove the \$500.00 limit on the negotiated sale of damaged, diseased, or right-of-way timber; and to further provide for the negotiated sale of all other timber, the value of which does not exceed \$2,000.00.

Senator Bailey, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Mitchem, Bailey, and Little (With Amendment):

S. 402. To allow the Governor, the Director of Finance and the Commissioner of Agriculture and Industries to organize a public corporation for the purpose of issuing bonds or other debt securities to be used for constructing and maintaining an agricultural market facility and to renovate the existing Garrett Coliseum and other buildings on the Coliseum grounds; to provide procedures for the organization of said corporation; to set out powers of the corporation; to authorize the issuance of up to \$6,000,000 in securities, which shall be special obligations of the corporation, payable from specified sources and which shall not be obligations or debts of any kind of the State; to provide that not more than 60% of the proceeds of sale of such securities may be expended for the construction of an agricultural market facility and not more than 40% of such proceeds may be expended for renovation of the Coliseum and other buildings on the Coliseum grounds; to provide for methods of executing and selling such securities and for paying the principal of and any premium and interest on such securities; to provide that the monies realized from leases paid by the public for use of the market, after expenses incurred in operating the market and deducted may be pledged and used to defray and cost of 60% of the securities; to provide that the monies obtained from the public for rents and other receipts realized from use of the Coliseum, after expenses incurred in operating the Coliseum are deducted, may be pledged and used to defray the cost of 40% of the securities; and to provide that, if all of the above funds are insufficient, then to pledge monies received from fees, licenses, permits, fines and penalties collected by the Department of Agriculture and Industries and paid into the agricultural fund, for the payment of the principal of and any premium and interest on the securities; to provide that any monies received from the sale of the securities shall only be used to construct, acquire and equip an agricultural market facility, and for renovation of the Coliseum and other buildings located on the Coliseum grounds; to provide that the State Board of Agriculture and Industries shall construct the market under the guidance of the State Building Commission; to provide that the Agricultural Center Board shall be responsible for renovation of the Coliseum and other buildings on the Coliseum grounds; to provide for the refunding of the securities and procedures for the deposit, investment and disposition of proceeds of sale of the securities; to provide for limitation of any action to contest the validity of the securities; to provide that the securities are legal investments and that the securities of the corporation and any premium and interest thereon, the property and income of the corporation, and any public filings by it are exempt from taxation; and to provide for

dissolution of the corporation.

Senator Corbett, Chairperson of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bennett:

S. 242. To amend Section 25-5-1, Code of Alabama 1975, relating to definitions for the state workmen's compensation laws (Chapter 5, Title 25, Code of Alabama 1975), so as to include within the terms "employee" and "workmen" the employees of Tannehill furnace and foundry commission, so that such employees would be covered by workmen's compensation.

By Senators Corbett, Figures, Bennett, Ellis, Bedsole, Sanders, Teague, Aldridge, Langford, and Holmes:

S. 335. To amend Section 25-3-4 of the Code of Alabama 1975, relating to investigations and adjustments of wage claim controversies by the commissioner of the department of labor, so as to provide further for such investigations and adjustments by prescribing certain procedures for settlement of such controversies.

By Senator Parsons:

S. 359. To amend Sections 25-5-110, 25-5-113, 25-5-114, 25-5-117, 25-5-120, 11-43-144 and 36-30-7 of the Code of Alabama 1975 so as to redefine occupational diseases of firefighters and the related manner and procedures for compensation of such.

By Senator Parsons:

S. 377. To require all interstate natural gas pumping stations to maintain personnel to warn the public of the development of any dangerous situation involving the facility and to provide criminal penalties for violating the provisions of this act.

By Senators Corbett, Cooley, Drinkard, Teague, Langford, Bedford, Bennett, Strong, Denton, Foshee, and Hand:

S. 425. To provide for certain payroll deductions for full-time firefighters employed by political subdivisions in this state.

By Senator Parsons:

S. 444. Relating to the Public Contracts Law of Alabama, and in particular Article 3 thereof, to provide that every bid made pursuant to § 41-16-50, Code of Alabama, shall include the wage rates to be paid to all laborers and mechanics under any purchases, contracts or agreements made thereunder, and to provide further that failure to comply with such requirements shall be a Class "C" felony and that any person adversely affected by any failure to pay wages to laborers and mechanics as listed in any bid hereunder or in any contract awarded pursuant to said section shall entitle the person affected to sue, in any Circuit Court in this state, for unpaid wages thereunder and attorney's fees.

Senator Smith (J), Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calen-

dar, to-wit:

By Senator Bishop:

S. 436. Relating to banks and banking: To permit, with the prior approval of the Superintendent of Banks, any bank organized under the laws of Alabama to engage in any activity or business authorized by law to a state savings and loan association, federal savings bank, federal savings and loan association or federal savings and loan association service corporation; to provide that this Act makes no changes in laws pertaining to branch banks in Alabama; to provide for construction of this Act and for authority of the Superintendent of Banks; to repeal all laws or parts of laws in conflict with this Act; to provide for severability of the provisions of this Act and to provide for an effective date for this Act.

By Senators Drinkard and deGraffenried:

S. 428. To authorize fiduciaries to invest in and hold, in addition to any other investments authorized by law, interests in any common trust fund or collective investment fund maintained by any financial institution having trust powers or in securities of or other interests in any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, provided that the portfolio of such fund, company or trust is limited to the classes of trust investments allowed by law.

By Senator Denton:

S. 363. To provide for payment of examination fees by credit unions.

Senator Denton, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Aldridge, Denton, Bishop, and Foshee:

S. 458. To create the Motor Fuel Marketing Act in order to protect Alabama's consumers against major oil company monopolies; to encourage fair and honest competition and to safeguard the public against unfair practices involving the sale of motor fuel in wholesale and retail trades; to provide for enforcement of the Act and penalties for violations; and for related purposes as well as to make certain declarations.

By Senator Denton:

S. 447. To amend Section 41-16-51, Code of Alabama 1975, as amended by Act No. 83-515 enacted during the 1983 Regular Session of the Legislature of Alabama, so as to remove the exemption of existing contracts up for renewal for sanitation or solid waste collection and disposal between counties and those providing the service and to restore the previously existing exemption for equipment used and consumed in the removal and routine operation of any waterworks system, sanitary sewer system, gas or electric system owned by municipalities, counties or public corporations, boards or authorities that are agencies, departments or instrumentalities of municipalities or counties among those contracts for which competitive bidding is not required.

Senator Denton, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Sen-

ate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Bedsole (With Substitute):

S. 109. To authorize any county commission to create a communications district in such county for the purpose of establishing a local emergency telephone service, to provide for the governing body of the district, including its powers, and to provide for funding for such district, including provisions for levying a telephone service charge.

Senator Denton, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Bennett, Menton, and Bedsole:

S. 382. To amend Section 22-30-4 of the Code of Alabama 1975, relating to the regulatory authority of the state department of environmental management over hazardous waste, so to provide further for such authority by providing for certain monitoring teams at disposal sites with such teams being financed by levying certain taxes on operators of such sites and transporters of such waste.

Senator Foshee, Chairperson of the Standing Committee on Buildings and Grounds, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Foshee:

S. 433. To provide for the payment of an expense allowance to members of the board of directors of any Waterworks or Sewer Board heretofore or hereafter organized pursuant to the statute now codified as Sections 11-50-230 to 241, Code of Alabama 1975.

By Senators Covington and Foshee:

S. 422. Providing a supplement to the salary of the district attorney of the 12th judicial circuit to be paid in equal parts by the counties composing the circuit.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. White (L) (With Notice and Proof):

H. 54. Relating to Tallapoosa County; providing for a salary schedule for certain employees of the sheriff's department in said county and providing that such schedule shall have retroactive effect to October 1, 1983.

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that the following Bill has been placed at the end of the Regular Order Calendar for today, to-wit:

By Senator Hilliard:

S. 352. To provide for and create a public corporation for the purposes

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of flood control to be known as the Alabama Village and Valley Creeks Flood Control Authority. The office of the Authority is to be located in the City of Birmingham; to provide for a board of directors, prescribe the method of appointment, its duties and authorities, and to provide for employees.

ADJOURNMENT

At 12:07 P.M., on motion of Senator Hilliard, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, March 27, 1984, at 10 o'clock A.M.

THIRTEENTH LEGISLATIVE DAY**TUESDAY, MARCH 27, 1984**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by the Reverend Dan Ireland, Evangelist, Green Valley Baptist Church, Birmingham, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Pat McDonald, Prattville High School, Prattville, Alabama.

ROLL CALL

Present:

Senators:	Cabaniss	Ellis	Menton
Aldridge	Cooley	Figures	Mitchem
Amari	Corbett	Foshee	Parsons
Bailey	Covington	Goodwin	Pearson
Barron	deGraffenried	Hand	Sanders
Bedford	Denton	Hilliard	Smith (B)
Bedsole	Dial	Holmes	Smith (J)
Bennett	Dixon	Langford	Strong
Bishop	Drinkard	Little	Teague

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JOURNAL

On motion of Senator Dixon, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twelfth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Twelfth Legislative Day was approved by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 10. MEMORIALIZING GOVERNOR WALLACE TO RE-

ACTIVATE THE THIRD ALABAMA VOLUNTEER CAVALRY CORPS AS A UNIT OF ALABAMA'S NATIONAL GUARD.

Also:

H. J. R. 40. REQUESTING THAT THE INTERSTATE COMMERCE COMMISSION HOLD A PUBLIC HEARING ON AB-55 (SUB. NO. 96).

Also:

H. J. R. 42. DESIGNATING HIGHWAYS FOR THE DELIVERY OF TRUCK TRAILERS MANUFACTURED IN COFFEE AND PIKE COUNTIES.

Also:

H. J. R. 70. IMPLORING THE PRESIDENT AND CONGRESS TO APPOINT A PANEL TO STUDY THE ENTIRE JUDICIAL SYSTEM OF THE UNITED STATES.

Also:

H. J. R. 75. PETITIONING THE PRESIDENT OF THE UNITED STATES TO REESTABLISH OFFICIAL GOVERNMENTAL RELATIONS WITH THE REPUBLIC OF CHINA AND PETITIONING OF THE CONGRESS OF THE UNITED STATES TO TAKE ANY NECESSARY ACTION TO PROVIDE SPECIFIC SECURITY GUARANTEES FOR THE REPUBLIC OF CHINA.

Also:

H. J. R. 76. COMMENDING MR. N. F. PLUNKETT, JR., NATIONAL TRUCK DRIVER OF THE YEAR.

Also:

H. J. R. 94. COMMENDING MR. AND MRS. CHESTER TURNER OF POLLARD, ALABAMA, ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

Also:

H. J. R. 101. RECOGNIZING MARCH 2, 1984, AS CENTRAL HIGH LADY FALCONS DAY.

Also:

H. J. R. 102. COMMENDING COACH NELSON R. HUGHES OF SUMTER COUNTY, LIVINGSTON HIGH SCHOOL.

Also:

H. J. R. 105. NAMING THE COLLINSVILLE NATIONAL GUARD ARMORY, THE "SAMUEL CURTIS JONES ARMORY".

Also:

H. J. R. 109. URGING CONGRESS TO ADOPT SCHOOL PRAYER AMENDMENT.

Also:

H. J. R. 110. COMMENDING MRS. JEANETTE GROSS GUTHRIE OF JASPER, ALABAMA, MOTHER OF THE YEAR 1984.

Also:

H. J. R. 112. COMMENDING MR. AND MRS. LAWRENCE LEVI DELAINE ON THE CELEBRATION OF THEIR 64TH WEDDING ANNIVERSARY.

Also:

H. J. R. 124. COMMENDING MONTGOMERY'S CLOVERDALE JUNIOR HIGH SCHOOL BASKETBALL TEAM, RUNNER-UP FOR THE STATE CHAMPIONSHIP.

Also:

H. J. R. 127. INVITING VICE PRESIDENT GEORGE BUSH TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Joint Resolution with the original Senate Joint Resolution, respectively, and finds same correctly engrossed, to-wit:

S. J. R. 72. CREATING THE LIMESTONE COUNTY EDUCATIONAL TASK FORCE.

CHARLES BISHOP,
Chairperson.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Amari:

S. 476. To amend Section 36-27-23 of the Code of Alabama 1975 relating to the general administration and proper operation of the retirement system of Alabama, so as to increase the number of members of the board of control of such system, and to provide for the election, qualifications and terms of office of the added member.

Committee on Aging.

By Senators Little and Corbett:

S. 477. To amend § 12-18-110 of the Code of Alabama 1975 to provide for the purchase of withdrawn or terminated service in the Teachers' Retirement System of Alabama or the Employees' Retirement System of Ala-

bama by members of the Judicial Retirement Fund and to provide credit therefor under the Judicial Retirement Fund. To provide a method of calculation for the cost of service purchased under this act and to provide a time limitation for service purchased under this act.

Committee on Finance and Taxation.

By Senator Bennett:

S. 478. To provide further for compensation for certain employees, with powers of peace officers and police communications officers I, II, and III, in the department of public safety for services during off-duty hours and recall services; to define the terms; to provide that the provisions of this act shall be construed in pari materia with the provisions of Section 32-2-21, Code of Alabama 1975, relating to the payments for public safety officers appearances in court; and to provide that the sections shall be cumulative to other provisions of law relating to compensation for public safety officers and employees, except to the extent there is a conflict.

Committee on Governmental Affairs.

By Senator Teague:

S. 479. To repeal Section 12-13-52, Code of Alabama 1975, which section fines probate judges for the appointment of certain persons as guardian ad litem.

Committee on Judiciary.

By Senator Teague:

S. 480. To establish the separate crime of convenience store robbery and to provide for penalties for violations.

Committee on Judiciary.

By Senator Bedsole (With Notice and Proof):

S. 481. Relating to the City of Mobile to create the Mobile City Communication District for the purpose of establishing a local emergency telephone service; to establish a primary emergency telephone number; to provide for the governing body of the district, including its powers, to authorize the governing authority of such district to levy an emergency telephone tax, and to provide for the procedures to be followed in levying such a tax.

Committee on Local Legislation No. 3.

I hereby certify that the notice and proof is attached to the Bill, S. B. 481, as required in the General Acts of Alabama, 1975 Act No. 919.

MCDOWELL LEE,
Secretary.

By Senator Goodwin:

S. 482. To amend Section 9-17-1 of the Code of Alabama 1975, so as to redefine certain terms in provisions relating to the conservation and regulation of production of oil and gas.

Committee on Commerce,
Transportation, and Utilities.

By Senator Dixon:

S. 483. To make a supplemental appropriation to the Ethics Commission from the State General Fund for the fiscal year ending September 30, 1984.

Committee on Finance and Taxation.

By Senator Teague:

S. 484. To amend Section 36-27-6(a), Code of Alabama 1975, to permit the full-time employees and executive officers of the Alabama State Employees' Association and the Alabama Retired State Employees' Association to participate in the Employees' Retirement System of Alabama.

Committee on Governmental Affairs.

By Senators Parsons, Drinkard, Foshee, Bedford, deGraffenried, Mitchem, Amari, Dial, Teague, Sanders, Hilliard, Bedsole, Corbett, Strong, Menton, Cooley, Bennett, Little, and Aldridge:

S. 485. To amend various sections of Chapter 14 of Title 16 of the Code of Alabama 1975 relating to the authorization and incorporation of the Alabama Public School Corporation so as to authorize said corporation to borrow money for any corporate function, to pledge certain notes or warrants received from local school boards as security for debts of the corporation, to employ experts to assist the corporation, to obtain guarantees, insurance, surety bonds and letters of credit as security for the notes and warrants of the corporation, to establish reserve funds, and to make loans to one or more local school boards for the payment of teachers' salaries and current operating expenses; to specify that an additional purpose of the corporation shall be the borrowing of money on behalf of local school boards and the lending of such money to local school boards; to provide that all notes or warrants of the corporation shall be payable solely out of the proceeds of the minimum program fund appropriation or the proceeds from notes or warrants of local school boards to which funds are loaned by the corporation; to authorize the corporation to consult with local school boards to determine their cash needs for teacher payrolls and other current expenses; to provide that borrowings by the corporation in anticipation of appropriations from the Alabama special educational trust fund may be made on behalf of local school boards for whose benefit such appropriations have been made; to provide that the powers of the corporation shall be vested in a board of directors consisting of the director of the department of finance, the commissioner of the department of revenue and the state superintendent of education and to provide for officers of the corporation; to specify the method of dissolving the corporation; to provide for the terms and provisions of any notes or warrants issued by the corporation and the execution thereof; and to clarify that notes and warrants of the corporation shall not constitute debts or obligations or a charge against the credit or taxing power of the State of Alabama.

Committee on Education.

By Senator Teague:

S. 486. Providing for purging the lists of registered voters; requiring and prescribing the procedure for the reidentification of certain registered voters; providing for the appointment of deputy registrars to aid in the reidentification and registration of electors; placing certain duties on the board of registrars, judge of probate, and the county governing body relative

to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Committee on Judiciary.

By Senators Teague, Goodwin, Langford, Covington, Mitchem, Hand, Smith (B), Holmes, Amari, Cooley, Corbett, Parsons, Cabaniss, Smith (J), Little, Bailey, Menton, Drinkard, Dial, Bedsole, Bedford, Aldridge, Strong, Ellis, and Denton:

S. 487. Relating to educational reform; providing for a comprehensive plan for improving instruction in science, mathematics, computer education and other designated critical areas; providing for a scholarship loan program to attract able students into the teaching profession in subjects of mathematics, science, computer education and other critical areas; providing a program for certified teachers to add to their certificate mathematics, science, computer education and other critical areas; providing a program whereby provisionally certified persons with extensive preparation in mathematics, science and computer education may serve as an emergency source of teachers; providing rigorous in-service training for public school personnel; amending Sections 16-23-18, 16-23-20, 16-23-21 and 16-23-23, Code of Alabama 1975, and repealing Section 16-23-19, Code of Alabama 1975, all relating to emergency secondary education scholarships, so as to transfer authority for the administration of the scholarships from the state board of education to the Alabama commission on higher education; creating and providing for the governor's educational reform commission; and providing for appropriations to carry out the provisions of this act.

Committee on Finance and Taxation.

By Senator Drinkard:

S. 488. To provide minimum benefits for the diagnosis, treatment and rehabilitation of mental, emotional or nervous disorders, drug abuse or alcoholism to certain group health insurance policies, contracts and plans, which are delivered, issued for delivery, renewed or used in this state and to repeal certain conflicting laws regarding alcoholism treatment in group plans.

Committee on Health and Welfare.

By Senator Aldridge:

S. 489. Authorizing the Alabama Forestry Commission to transfer title on certain used and obsolete equipment to a county when such equipment is scheduled for replacement.

Committee on Agriculture,
Conservation, and Forestry.

By Senator Langford:

S. 490. To provide a Public Employee Relations Act for employees of the State and any political subdivision thereof and for employees in non-profit institutions financially aided from public funds.

Committee on Governmental Affairs.

By Senator Pearson:

S. 491. Relating to hospital indigent care; levying a hospital bed tax to provide for hospital indigent care; providing for the collection of such tax; and establishing and providing for the Hospital Indigent Care Fund Commission.

Committee on Health and Welfare.

By Senator Teague:

S. 492. To amend section 11-54-99, Code of Alabama 1975, relating to industrial development boards, so as to allow the incorporation of more than one industrial development board within any municipality.

Committee on Industrial Expansion,
Economic Growth, and Jobs.

By Senator Smith (B):

S. 493. To amend Section 28-3A-25, Code of Alabama 1975, which provides for certain unlawful acts and offenses under the Alcoholic Beverage Licensing Code, so as to further define the offense of sales of alcoholic beverages to minors.

Committee on Judiciary.

By Senator Mitchem:

S. 494. To amend Sections 25-9-84, 25-9-88 and 25-9-171, Code of Alabama 1975, relating to coal mine safety, so as to provide further regulations regarding mine ventilation and mine electrical equipment.

Committee on Commerce, Transportation,
and Utilities.

By Senator Smith (B):

S. 495. To amend § 13A-6-3 of the Code of Alabama, 1975, to provide that manslaughter is a Class B felony.

Committee on Judiciary.

By Senator Smith (B):

S. 496. Relating to alcoholic beverages to prohibit open containers of such beverages in certain motor vehicles and to prescribe Class C misdemeanor punishment for violations.

Committee on Judiciary.

By Senators Smith (J) and Denton (With Notice and Proof):

S. 497. Relating to Lauderdale County; designating the combination of offices of tax assessor and tax collector, pursuant to Act No. 81-606, H. 1084, 1981 Regular Session, as the Revenue Commissioner; providing further for the compensation, term, election and temporary appointment of said office.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 497, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Smith (J):

S. 498. To amend Section 32-6-133, Code of Alabama 1975, relating to the design of tags of vehicles of disabled veterans so as to provide further

for the definition of "disabled veterans."

Committee on Commerce,
Transportation, and Utilities.

By Senator Cabaniss:

S. 499. To authorize under certain circumstances branch banking in municipalities located in two or more counties, and branch banking within such counties.

Committee on Buildings and Grounds.

RESOLUTIONS

Senator Dixon offered the following Senate Joint Resolution, to-wit:

S. J. R. 112. MOURNING THE UNTIMELY AND TRAGIC
DEATH OF MRS. MURREL LOLLEY RICHMOND.

WHEREAS, the Legislature of Alabama has grievously noted the death of Mrs. Murrel Lolley Richmond of Pleasant Hill, Choctaw County, Alabama, on September 29, 1980; and

WHEREAS, Mrs. Richmond regrettably lost her life when she was struck and killed by a train in Eagleton, Arkansas, while walking with three young children, near a railroad intersection; and

WHEREAS, it is to be noted that Mrs. Murrel Richmond died as a result of her heroic actions in protecting the life of one of the young children in her care; and

WHEREAS, she and two of the youngsters became separated from young five-year-old Samuel Morefield, and Mrs. Richmond dashed across the tracks to prevent the child from crossing to her in front of an approaching train; and

WHEREAS, thus, in an act of uncommon courage, Mrs. Richmond did unhesitatingly risk her own life to save the life of another; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we deeply grieve in the death of Mrs. Murrel Lolley Richmond, we stand in tribute of her courage and in recognition of her ultimate sacrifice that a young child might live.

BE IT FURTHER RESOLVED, That we extend our most heartfelt sympathy to Mrs. Richmond's family and direct that they receive three copies of this resolution, in original form, that they may know of our great admiration for a courageous lady who died in her attempt to save another's life.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Little and Foshee offered the following Senate Resolution, to-wit:

S. R. 113. COMMENDING MR. SAXON WISE OF ANDALUSIA,
ALABAMA.

Which was adopted.

MOTION IN WRITING

Senator Cabaniss offered the following Motion in Writing, to-wit:

MOTION IN WRITING

Notice in Writing having been given on the previous legislative day, motion is now made to amend the Senate Rules as follows:

Under Rule 7 — the 7th order of business, Uncontested local bills, amend the 7th order of business to read as follows:

“7th (a) Uncontested local bills;

(b) Before a bill designated as a “Local Bill” may be contested, to be excluded from the 7th order of business by Senators who do not represent the counties affected, a total of ten (10) Senators must enter their objections in writing to said bill.”

Which was read and referred to the Standing Committee on Rules.

RESOLUTIONS

Senator Menton offered the following Senate Resolution, to-wit:

S. R. 114. COMMENDING MAJOR JAMES L. FUQUA ON HIS DISTINGUISHED CAREER.

Which was adopted.

Senator deGraffenried offered the following Senate Joint Resolution, to-wit:

S. J. R. 115. MOURNING THE DEATH OF MRS. KATHLEEN McCLAIN LAWSON.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the death of Mrs. Kathleen McClain Lawson on March 21, 1984, in Montgomery, Alabama; and

WHEREAS, Mrs. Lawson, a native of Seattle, Washington, had resided in Montgomery for the past fourteen years, since her marriage to Judge Thomas S. Lawson, former State Attorney General and retired Alabama Supreme Court Justice; and

WHEREAS, during her Montgomery residency, Mrs. Lawson's interests and involvement encompassed numerous areas of civic, social and community concern; she was an Episcopalian and included among her active affiliations the Iris Garden Club and the Junior Twentieth Century Literary Club; and

WHEREAS, in addition to her husband, she is survived by a daughter, Victoria Crumpton Lockwood of Seattle, and by two stepchildren, Mrs. Jule Lawson Lanier and Thomas S. Lawson, Junior, both of Montgomery; and

WHEREAS, Mrs. Lawson's death has indeed left a deep void in the lives and hearts of her beloved family, whose sorrow we truly share and to whom we extend our most heartfelt sympathy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mrs. Kathleen McClain Lawson, giving thanks for her life and for the joy and happiness she gave in such full measure.

BE IT FURTHER RESOLVED, That Mrs. Lawson's family receive copies of this resolution, expressing our concern in their great and grievous loss.

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 39. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Heating and Air Conditioning Contractors as provided in Sections 34-31-18 through 34-31-34, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 91. To amend Section 8-8-5 of the Code of Alabama 1975, which relates to interest rates, so as to remove the Sunset or termination date on the provisions of said section as it applies to loans of \$25,000.00 or less.

Also:

S. J. R. 44. CREATING SELECT COMMITTEE TO CONSIDER HOSTING SOUTHERN LEGISLATIVE CONFERENCE ON CHILDREN AND YOUTH IN ALABAMA.

Also:

S. J. R. 99. COMMENDING THE ALABAMA ASSOCIATION OF COLLEGE TEACHERS OF MATHEMATICS AND THE ALABAMA COUNCIL OF TEACHERS OF MATHEMATICS.

Also:

S. J. R. 100. MOURNING THE DEATH OF MR. EDWARD A. DANNELLY OF ANDALUSIA, ALABAMA.

Also:

S. J. R. 101. NAMING THE HEALTH AND ARTS BUILDING AT ALEXANDER CITY STATE JUNIOR COLLEGE, THE "W. BYRON CAUSEY HEALTH EDUCATION AND ARTS COMPLEX."

Also:

S. J. R. 102. COMMENDING CLAIRE NELL FULLER.

Also:

S. J. R. 103. EXPRESSING JUDGEMENT THAT EXPENDITURES SHOULD BE MADE BY POSTSECONDARY SCHOOLS IN COMPROMISE OF CLAIMS RESULTING FROM FAILURE OF HOSPITAL-MEDICAL INSURANCE PROGRAM.

Also:

S. J. R. 104. MOURNING THE DEATH OF MR. JAMES DONALD BULGER, PROMINENT ALABAMA EDUCATOR.

CHARLES BISHOP,
Chairperson.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE GOVERNOR

To The Alabama Senate
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith a message from Governor George C. Wallace, returning to you, the house from which it originated, Senate Bill No. 33, without the Governor's signature and approval, but with the following suggested Executive Amendment.

Done this 26th day of March, 1984.

Respectfully submitted,
ELVIN L. STANTON,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To The Alabama Senate
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, Senate Bill No. 33, without my signature and approval but with the following Executive Amendment:

EXECUTIVE AMENDMENT TO S. 33

On page 1, paragraph 1, line 23, the number "38" should be deleted and the number "28" should be substituted therefor.

On page 1, paragraph 2, line 34, the number "38" should be deleted and the number "28" should be substituted therefor.

The adoption of the above foregoing suggested Executive Amendment will correct the content of the said Bill and will remove my objections to this Bill.

Done this 26th day of March, 1984.

Respectfully,
GEORGE C. WALLACE,
Governor.

GOVERNOR'S MESSAGE

On motion of Senator Corbett, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

S. 33. Relating to the Alabama Sunset Law; to continue the existence

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and functioning of the Alabama Alcoholic Beverage Control Board as provided in Sections 28-3-40 through 38-3-53, Code of Alabama 1975, and the legislature's concurrence thereof.

which said amendment is set out in the foregoing Message from the Governor, by a vote of

Yeas 10; Nays 0.

Yeas:

Senators:	Bedsole	Corbett	Dixon	
Aldridge	Bennett	Covington	Little	
Bailey	Cabaniss	deGraffenried		—10

Nays: —0

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

And said Bill, S. B. 33, as thus amended by the Executive amendment, was again read at length and passed, by a vote of

Yeas 13; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Goodwin	
Bailey	Corbett	Ellis	Langford	
Bedsole	Covington	Foshee	Teague	
Bennett	deGraffenried			—13

Nays: —0

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

RECESS

At 10:30 A.M., on motion of Senator Hilliard, the Senate took a recess subject to the call of the Chair.

At 11 o'clock A.M., the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 116. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the thirteenth legislative day of the 1984 Regular Session only:

Inst Id		Page
H. 13	JEFFERSON COUNTY, HORSE RACING AUTHORIZED. COMMISSION ESTABLISHED, REFERENDUM	72

On motion of Senator Teague, the Resolution was adopted by the Senate.

**SPECIAL ORDER
BILLS ON THIRD READING**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

H. 13. To make certain legislative findings regarding horse racing and pari-mutuel wagering thereon in the City of Birmingham; to define the particular terms used in the substantive provisions of this Act; to authorize the creation of a racing commission in Birmingham; to provide for a referendum of the voters of the county on the question of whether this Act will become effective in the county; to provide that horse racing and pari-mutuel wagering thereon shall be lawful in Birmingham; to provide for the designation or appointment and the terms of office of the members and officers of the commission; to provide for and authorize the incorporation of the commission upon the filing by the members thereof of an application with the Secretary of State; to specify the general powers and duties of the commission, including the power to adopt rules and regulations governing diverse aspects of horse racing, the exposure of the public thereto, and the conduct of pari-mutuel wagering thereon; to provide for the issuance by the commission of licenses for owners and operators of racing facilities; to prescribe the methods for applying for such licenses, the manner in which such applications are to be reviewed by the commission, and the terms and conditions upon which such licenses shall be granted and held; to provide for the suspension or revocation of any such license; to provide for the issuance by the racing commission of permits to companies and individuals engaged in certain activities related to horse racing; to prescribe the method for applying for such permits and the manner in which such applications are to be reviewed by the racing commission; to provide for the suspension or revocation of any such permit; to authorize and provide rules for the conduct of pari-mutuel wagering on horse racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools which are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of a license fee for pari-mutuel wagering by each licensed operator to the racing commission licensing such operator and to specify the method for determining the amount of any such fee; to provide that the racing commission may enter into contracts with licensed operators to establish limits on the license fees payable by such operators and that any such contract shall not be impaired by a subsequent Act of the Legislature; to authorize the racing commission to make rules and regulations under which television or radio coverage of racing events held outside the state may be transmitted to racing facilities governed by the racing commission and made the subject of pari-mutuel wagering under the provisions of this Act; to authorize any the racing commission to make rules and regulations under which television or radio coverage of racing events held at racetracks under the jurisdiction of the commission may be transmitted for the entertainment of the public or for the purpose of pari-mutuel wagering at locations outside the state; to provide that a specified percentage of total pari-mutuel wagering revenues shall be used for purses to be paid to the owners of horses competing in races; to provide for the establishment by the racing commission of a special fund for the purpose of promoting the breeding, raising and racing of thoroughbred and standardbred horses in the state, to specify the source and amounts of moneys for such fund, to specify certain purposes for which the moneys in such fund shall be used, and to authorize the racing commission to make rules and regulations for the administration of such fund and the disbursement of moneys therefrom; to specify the purposes for which the net revenues of each racing commission remaining after the payment of its expenses

are to be applied and to provide for the disbursement of such net revenues for such purposes; to prohibit certain activities related to racing events; to provide that the provisions of this Act shall be severable; to provide that this Act shall govern in the event of a conflict between its provisions and existing laws; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise horse racing and pari-mutuel wagering thereon in the City of Birmingham.

The Standing Committee on Local Legislation No. 2 reported the following substitute for the Bill, H. B. 13, to-wit:

SUBSTITUTE FOR H. B. 13

**A BILL
TO BE ENTITLED
AN ACT**

To make certain legislative findings regarding horse racing and pari-mutuel wagering thereon in Class 1 municipalities (now defined by statute to be cities with a population of 300,000 inhabitants or more as certified by the 1970 federal decennial census); to define the particular terms used in the substantive provisions of this Act; to authorize the creation of a racing commission in any Class 1 municipality; to provide for a referendum of the voters of any Class 1 municipality on the question of whether this Act will become effective in such municipality; to provide that horse racing and pari-mutuel wagering thereon shall be lawful in any Class 1 municipality in which a racing commission shall be incorporated pursuant to the provisions of this Act; to provide for the designation or appointment and the terms of office of the members and officers of any such racing commission; to provide for and authorize the incorporation of any such racing commission upon the filing by the members thereof of an application with the Secretary of State; to specify the general powers and duties of any such racing commission, including the power to adopt rules and regulations governing diverse aspects of horse racing, the exposure of the public thereto, and the conduct of pari-mutuel wagering thereon; to provide for the issuance by any such racing commission of licenses for owners and operators of racing facilities; to prescribe the methods for applying for such licenses, the manner in which such applications are to be reviewed by any such racing commission, and the terms and conditions upon which such licenses shall be granted and held; to provide for the suspension or revocation of any such license; to provide for the issuance by any such racing commission of permits to companies and individuals engaged in certain activities related to horse racing; to prescribe the method for applying for such permits and the manner in which such applications are to be reviewed by any such racing commission; to provide for the suspension or revocation of any such permit; to authorize and provide rules for the conduct of pari-mutuel wagering on horse racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools which are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of license fees for pari-mutuel wagering by each licensed operator to the state and to the racing commission licensing such operator and to specify the methods for determining the amounts of such fees and the schedule on which such fees shall be payable; to authorize any such racing commission to make rules and regulations under which television or radio coverage of racing events held outside the state may be transmitted to racing facilities governed by such racing commission and made the subject of pari-mutuel wagering under the provisions of this Act; to authorize any such racing commission to make rules and regulations under which television or radio coverage of racing events held at racetracks

under the jurisdiction of such commission may be transmitted for the entertainment of the public or for the purpose of pari-mutuel wagering at locations outside the state; to provide that a specified percentage of total pari-mutuel wagering revenues shall be used for purses to be paid to the owners of horses competing in races; to provide for the establishment by each racing commission of a special fund for the purpose of promoting the breeding, raising and racing of thoroughbred and standardbred horses in the state, to specify the source and amounts of moneys for such fund, to specify certain purposes for which the moneys in such fund shall be used, and to authorize such racing commission to make rules and regulations for the administration of such fund and the disbursement of moneys therefrom; to specify the purposes for which the net revenues of each racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to prohibit certain activities related to racing events; to provide that certain prohibited activities constitute crimes and to specify the penalties therefor; in the event that a state racing commission shall be established pursuant to any act enacted before or after the effective date of this Act, to provide in such event that any municipal racing commission created under this Act and its licensees shall be exempt from the jurisdiction of such state racing commission and from all laws providing for or relating to such state racing commission for a period beginning with the effective date of this Act and continuing until the fifth anniversary of the date on which racing events shall first be conducted under the jurisdiction of such municipal racing commission; to provide that the provisions of this Act shall be severable; to provide that this Act shall govern in the event of a conflict between its provisions and existing laws; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise horse racing and pari-mutuel wagering thereon in Class 1 municipalities.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Findings. It is hereby found and declared as follows: the conduct within Class 1 municipalities in the State of horse racing events and pari-mutuel wagering thereon will generate additional revenues for governmental and charitable purposes, provide additional jobs for the residents of the State and benefit the businesses related to tourism and recreation within any such municipality and throughout the surrounding areas of the State; it is desirable to permit the qualified voters of any Class 1 municipality to determine through referendum whether horse racing and pari-mutuel wagering thereon will be permitted in such municipality; and for each Class 1 municipality in which horse racing is approved by the voters thereof, it is necessary and desirable to provide for the establishment of a racing commission to regulate horse racing and pari-mutuel wagering thereon within such municipality and to administer and enforce the provisions of this Act.

Section 2. Definitions and Use of Phrases. (a) The following words and phrases used in this Act, and others evidently intended as the equivalent thereof, shall, unless the context clearly indicates otherwise, have the following respective meanings herein:

"Alabama-Bred", when used with reference to a thoroughbred horse or a standardbred horse, means a horse which is registered in the registry designated and administered by a Commission in accordance with such rules concerning domicile and registration requirements as may be established by such Commission and which is either (i) foaled from a mare domiciled in the State during the seven-year period beginning with the effective

date of this Act or (ii) sired by an Alabama Stallion and foaled from a mare domiciled in the State at any time after the expiration of such seven-year period.

"Alabama Stallion", when used with reference to a thoroughbred stallion or a standardbred stallion, means a stallion which is standing in the State at the time he is bred to the dam of an Alabama-Bred horse, which is registered with a Commission, and which is alternatively (i) owned by a resident of the State and standing the entire stud season in the State, (ii) owned by a resident of another state but standing the entire stud season in the State and leased by a resident of the State for a term of not less than two years or (iii) owned jointly by a resident of the State together with a resident of another state and leased by a resident of the State for a term of not less than two years. For purposes of this definition, a resident of the State may be any one of the following: (1) a natural person whose principal residence is located in the State; (2) a natural person who does not maintain his or her principal residence in the State but who personally owns, singly or jointly with his or her spouse, real property located in the State that has an original cost to such person or a current fair market value of not less than \$100,000; or (3) a corporation or partnership which has its principal place of business in the State and more than fifty percent of the stock or other ownership interest in which is owned by natural persons described in clause (1) or (2) of this sentence. The Commission with which any Alabama Stallion may be registered shall have the power to prescribe rules and regulations governing the manner by which the qualifications of a resident shall be confirmed to such Commission for purposes of this definition.

"Breakage" means the odd cents by which the amount payable on each dollar wagered exceeds a multiple of ten cents.

"Breeder" means the owner of a mare at the time such mare gives birth to an Alabama-Bred thoroughbred or standardbred foal.

"Breeding Fund" means a special fund established by a Commission pursuant to the provisions of Section 34 of this Act and any applicable rules and regulations of such Commission for the purpose of promoting the breeding, raising and racing of thoroughbred or standardbred horses in the State.

"Breeding Fund Fee" means a fee payable to a Commission by an Operator pursuant to Section 34 of this Act for deposit into the Breeding Fund established by such Commission.

"Commission" means any public corporation organized pursuant to the provisions of this Act.

"Commission Wagering Fee" means a license fee payable to a Commission by an Operator for a particular calendar year, the amount and payment schedule of which are to be determined in accordance with the provisions of Section 30 hereof.

"Handle", when used with reference to any specified period of time, means the total amount deposited in all of the pari-mutuel pools originated by an Operator during such period of time.

"Host County" means any county in which a Sponsoring Municipality is located. With respect to a Sponsoring Municipality located in more than one county, "Host County" means the county in which the largest number of residents of the Sponsoring Municipality reside, as determined by the most recent federal decennial census.

"Host County House Delegation" means, with respect to a Host

County, the members of the House of Representatives of the Legislature of Alabama from those representative districts which are located entirely within such Host County.

"Host County Senate Delegation" means, with respect to a Host County, the members of the Senate of the Legislature of Alabama from those senatorial districts which are located entirely within such Host County.

"Member" means a member of a Commission.

"Net Revenues" means all fees (other than Breeding Fund Fees), commissions and other moneys received by a Commission and remaining after the payment of all expenses incurred in the administration of this Act. This term does not include any State Wagering Fees, which are required to be paid by an Operator directly to the State.

"Operator" means a corporation licensed by a Commission to conduct horse racing events and pari-mutuel wagering thereon in accordance with the provisions of this Act.

"Owner" means a corporation, partnership or other business entity licensed by a Commission to own a racing facility in accordance with the provisions of this Act.

"Person", whether or not appearing as a capitalized term, means any natural person, corporation, partnership, joint venture, trust, government or governmental body, political subdivision or other legal entity as in the context may be possible or appropriate.

"Sponsoring Municipality" means any municipality for which a Commission shall be created in accordance with the provisions of this Act.

"Stallion Owner" means the owner of a stallion standing in the State at the time he was bred to the dam of an Alabama-Bred thoroughbred or standardbred horse.

"State" means the State of Alabama.

"State Racing Commission" means any department, agency or instrumentality of the State, whether or not constituting a corporate entity separate from the State, that may at any time, whether before or after the effective date of this Act, be created, organized or established for the purpose, among other purposes, of licensing, regulating or supervising horse racing and pari-mutuel wagering thereon.

"State Wagering Fee" means a license fee payable to the State by an Operator, the amount and payment schedule of which are to be determined in accordance with the provisions of Section 29 hereof.

(b) The words "herein", "hereby", "hereunder", "hereof" and other equivalent words refer to this Act as an entirety and not solely to the particular section or portion thereof in which any such word is used. The definitions set forth herein shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

Section 3. Authorization of Commissions. A Commission is authorized to be created in accordance with the provisions of this Act for each Class 1 municipality, as Class 1 municipality is defined in Code of Alabama 1975, § 11-40-12 or any successor provision of law. Any Commission created

for any Sponsoring Municipality pursuant to the provisions of this Act shall be named "The _____ (the name of the Sponsoring Municipality shall be inserted in the blank) Racing Commission" and shall be a public corporation having a legal existence separate and apart from the State and any county, municipality or political subdivision thereof. A Commission shall be vested with the powers and duties specified in this Act and all other powers necessary and proper to enable it to execute fully and effectively the purposes of this Act. Immediately upon the incorporation of a Commission in accordance with the provisions of this Act, horse racing and pari-mutuel wagering thereon conducted in the Sponsoring Municipality in accordance with the provisions of this Act shall be lawful, notwithstanding any other provision of law to the contrary.

Notwithstanding any provisions hereof which connect the State with the creation and control of a Commission, any Commission incorporated pursuant to the provisions of this Act shall not be deemed to be part of the State for any purpose, but shall be treated as a public corporation and body politic separate and apart from the State. Except for the State Wagering Fee, all fees, commissions and other moneys which a Commission shall be authorized by this Act to charge, levy or receive shall be deemed to be moneys belonging exclusively to such Commission, and no allocation or payment of such moneys authorized or mandated by this Act shall be considered to be an appropriation of moneys belonging to or controlled by the State.

Notwithstanding any provisions hereof which connect a Commission with its Sponsoring Municipality, the Host County or any other county or municipality [including, without limitation thereto, the provisions of Section 4 hereof regarding a referendum in the Sponsoring Municipality to approve the incorporation of a Commission and the provisions of Section 5 hereof providing for (i) the mayor or other chief executive officer of the Sponsoring Municipality to serve ex-officio as one Member of a Commission and to appoint another Member and (ii) the president or other designated presiding officer of the county commission to serve ex-officio as one Member of a Commission], any Commission incorporated pursuant to the provisions of this Act shall not be deemed to be a local agency or instrumentality of the Sponsoring Municipality or the Host County, but shall be treated as a public corporation and body politic having rights, powers and duties which, to the extent herein specified, shall be effective without reference to the rights, powers, duties and territories of the Sponsoring Municipality and the Host County. Except for the State Wagering Fee, all fees, commissions and other moneys which a Commission shall be authorized by this Act to charge, levy or receive shall be deemed to be moneys belonging exclusively to such Commission, and the Sponsoring Municipality and the Host County shall have no interest therein except to the limited extent expressly provided by this Act.

Section 4. Referendum to Approve Commission. The governing body of any Class 1 municipality shall call and provide for holding a referendum for the purpose of determining if a Commission shall be incorporated for such municipality pursuant to this Act. The initial referendum shall be held not less than forty-five (45) days nor more than ninety (90) days after the effective date of this Act and shall be advertised, held, conducted and the results thereof canvassed and declared in the manner provided by law for advertising, holding, conducting and canvassing other municipal elections and as said governing body shall provide in the resolution or ordinance calling such election. The question to be voted on shall be stated on the ballots or voting machine tags substantially as follows:

"Do you favor the authorization of horse racing and pari-mutuel wagering thereon in the City of _____ (insert the name of the municipality) and the creation of a racing commission for said city to license, regulate and supervise horse racing and pari-mutuel wagering thereon as provided in Act No. _____ [insert act number] adopted at the _____ [insert session identification] Session of the Legislature of Alabama?"

If the majority of the votes cast in any referendum are "Yes", this Act shall become operative with respect to the municipality conducting such referendum, and horse racing and pari-mutuel wagering thereon shall be legal in such municipality as and to the extent conducted in accordance with the provisions of this Act; if the majority of the votes cast in such election are "No", this Act shall have no further effect with respect to such municipality, unless the governing body thereof should later call another referendum. One or more subsequent referenda may be called by the governing body of a Class 1 municipality if the question submitted at the initial or any subsequent referendum fails to receive a majority of favorable votes; provided, however, that not more than one referendum may be called by any municipality in each calendar year. Once authorized and incorporated, a Commission may not be dissolved except pursuant to general act of the Legislature of Alabama applicable to such Commission. The results of any referendum conducted for a Class 1 municipality pursuant to this act shall be certified to the Secretary of State, within thirty (30) days after the election returns are canvassed, by the officer then authorized by law to certify proceedings taken by the election commission, board of canvassers or other body then required by law to canvass and declare the results of elections held in such municipality.

Section 5. Members of Commission. (a) Every Commission shall have five members, which shall constitute its governing body. All powers of a Commission shall be exercised by its Members or pursuant to their authorization. The mayor or other chief executive officer of the Sponsoring Municipality and the president or other designated presiding officer of the county commission of the Host County shall each serve as a Member ex-officio, and the service of each such official as a Member shall begin and end concurrently with the beginning and ending of his or her tenure in such office. The other three Members shall be appointed in the manner hereinafter prescribed as soon as may be practicable after the certification to the Secretary of State of a favorable vote at a referendum called and held pursuant to Section 4 of this Act. The mayor or other chief executive officer of the Sponsoring Municipality, the Host County House Delegation and the Host County Senate Delegation shall each appoint one Member. The appointments of Members by the Host County House Delegation and the Host County Senate Delegation shall be made at meetings of the members of the respective delegations held pursuant to the call of the mayor or other chief executive officer of the Sponsoring Municipality, who shall provide the members of each delegation with written notice of any such meeting at least ten (10) days prior to the date set therefor. All meetings of the Host County House Delegation or the Host County Senate Delegation called and held pursuant to this Act shall be open to the public. Any appointment of a Member by the Host County House Delegation or the Host County Senate Delegation must be approved by a majority of the members of such delegation voting in person at a public meeting called and held pursuant to this Act. Any meeting of the Host County House Delegation or the Host County Senate Delegation at which fewer than a majority of the members of such delegation are present, or at which no appointment of a Member is made because of a failure to obtain the approval of a majority of the members of

such delegation, may be adjourned to a future time and place announced at such meetings; provided that, if either delegation fails to appoint a Member within thirty (30) days of the date of the first meeting called for the purpose of such appointment, the right of such delegation to appoint a Member shall terminate and such appointment shall be made as soon thereafter as practicable by the mayor or other chief executive officer of the Sponsoring Municipality.

(b) The Member to be appointed by the mayor or other chief executive officer of the Sponsoring Municipality shall be appointed for a term beginning immediately upon his appointment and ending at noon on July 1 in the third calendar year next following the calendar year in which the referendum authorizing the incorporation of the Commission shall be conducted; the Member to be appointed by the Host County House Delegation shall be appointed for a term beginning immediately upon his appointment and ending at noon on July 1 in the fourth calendar year next following the calendar year in which the referendum authorizing the incorporation of the Commission shall be conducted; the Member to be appointed by the Host County Senate Delegation shall be appointed for a term beginning immediately upon his appointment and ending at noon on July 1 in the fifth calendar year next following the calendar year in which the referendum authorizing the incorporation of the Commission shall be conducted. Thereafter, the term of office of each appointed Member shall be five years, commencing at noon on the July 1 on which the term of the immediate predecessor Member shall end.

(c) If at any time there shall be a vacancy among the appointed Members of a Commission (i.e., those Members who do not serve ex-officio), a successor Member shall be appointed to serve for the unexpired term applicable to such vacancy. The appointment of each appointed Member (other than those initially appointed), whether for a full five-year term or to complete an unexpired term, shall be made by the officer or legislative delegation responsible for the appointment of the Member whose term shall have expired or is to expire or in whose position a vacancy otherwise exists and shall be made not earlier than thirty (30) days prior to the date on which such Member is to take office as such. If the term of any Member shall expire prior to the reappointment of such Member or prior to the appointment of his successor, such Member shall continue to serve until his successor is appointed, and if such Member is reappointed for a new term after the expiration of the immediately preceding term which he has been serving, his new term of office shall be deemed to have commenced at noon on the July 1 on which the immediately preceding term shall have expired. Members shall be eligible for reappointment without limit as to the number of terms previously served. In the event that any appointments are not made within sixty (60) days after the certification to the Secretary of State of a favorable vote at a referendum called and held pursuant to this Act (in the case of initial appointments), or within thirty (30) days of the end of a term or other vacancy, then a vacancy shall be filled or a successor Member appointed by a majority of the Members holding appointments already made or serving as ex-officio Members. Appointments shall be evidenced by a written certificate executed by the appointing official, or, in the case of appointments made by a majority of the other Members, by a certificate signed by the Members making such appointment, or, in the case of appointments made by a legislative delegation, by the members of the delegation voting for such appointment or by a member of the delegation designated to serve as the secretary of the meeting at which such appointment is made and to report the results thereof to the Secretary of State. The certifi-

cates evidencing the appointment of Members of a Commission shall be addressed and delivered to the Secretary of State, who shall maintain the originals of such certificates as official records in his office.

(d) Each appointed Member of any Commission shall have been a resident of the Host County for a period of at least five years prior to his or her appointment and shall, at the time of his or her appointment and at all times during his or her term of office, be a resident of the Host County and a qualified elector of the State, and a failure by any appointed Member to remain so qualified during such term of office shall cause a vacancy of the office of such Member. No person serving as a member of the Legislature of the State, serving as a member of the governing body of any municipality, county or other political subdivision of the State, or holding a full-time office or position of employment with the United States of America, the State, any county or municipality in the State, or any instrumentality, agency or subdivision of any of the foregoing, shall be eligible for appointment as a Member of a Commission. Service by any person as a member, director, trustee or other participant in the management or administration of any governmental agency, board or commission, or public educational institution, or other public body of the United States of America, the State, or any county or municipality or other political subdivision shall not render such person ineligible for appointment as a Member of a Commission unless such service constitutes full-time employment. Each appointed Member shall be of good moral character and shall never have been convicted of a felony or other offense involving moral turpitude. Each appointed Member of a Commission shall make and submit to the appointing officer or legislative delegation responsible for his or her appointment an affidavit confirming his or her qualifications, as set forth in the preceding provisions of this subsection (d), to serve as a Member of a Commission, which affidavit shall be filed with the Secretary of State along with the aforesaid certificate evidencing such appointment. Any appointed Member of a Commission who in such affidavit intentionally makes a false statement of material fact or intentionally fails to disclose any information necessary to make any statement of material fact made therein not misleading shall be guilty of perjury and shall be subject to prosecution and punishment therefor in the same manner as if he had committed perjury as a witness in open court.

(e) Any person who is an appointed Member of a Commission shall be deemed to vacate his or her office as such Member by (i) the acceptance of any office or employment which, had such person held such office or been so employed at the time of his or her appointment as a Member, would have rendered such person ineligible for appointment as a Member or (ii) the occurrence of any event or circumstance involving the character of such person [including, without limitation, any of the events or circumstances described in the fourth sentence of subsection (d) of this section] which, had such event or circumstance occurred prior to the time of his or her appointment as a Member, would have precluded such appointment. Any appointed Member may be impeached and removed from office as a Member of a Commission in the same manner and on the same grounds provided in Section 175 of the Constitution of Alabama of 1901, or successor provision thereof, and the general laws of the State for impeachment and removal of the public officers subject to said Section 175 or successor provision thereof. The mayor or other chief executive officer of the Sponsoring Municipality and the president or other designated presiding officer of the county commission of the Host County may not be impeached and removed from office as a Member of a Commission apart from their impeachment and removal

from the respective offices by virtue of which, ex-officio, they serve as Members.

Section 6. Incorporation of Commission. The five persons initially designated as Members of a Commission shall become a corporation with the power and authority provided in this Act by proceeding according to the provisions of this Act. To become a corporation, the persons so designated shall present to the Secretary of State an application signed by them which shall contain the following:

- (1) a statement that the applicants propose to incorporate a Commission pursuant to this Act;
- (2) the name and principal residence of each of the applicants;
- (3) the date on which each applicant who is not an ex-officio Member was appointed as a Member and the expiration date of the term for which he was appointed;
- (4) the term of office for each applicant who is an ex-officio Member;
- (5) the name of the proposed corporation, which shall be "The _____ [name of the Sponsoring Municipality] Racing Commission";
- (6) the location of the principal office of the proposed corporation, which shall be in the Sponsoring Municipality; and
- (7) any other matter relating to such Commission which the applicants may choose to insert and which is not inconsistent with this Act or the laws of the State.

The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the State to take acknowledgments to deeds. The Secretary of State shall examine the application, and if the Secretary of State finds that it substantially complies with the requirements of this section, he shall receive, file and record it in an appropriate book of records in his office.

When the application has been made, filed and recorded as herein provided, the applicants shall constitute a corporation under the name stated in the application, without the necessity of any further action under any other laws of the State applicable to the creation of corporations, and the Secretary of State shall make and issue to the applicants a certificate of incorporation pursuant to this Act, under the Great Seal of the State, and shall record the certificate with the application. There shall be no fees paid to the Secretary of State for any work done in connection with the incorporation or dissolution of any Commission.

Section 7. General Provisions Respecting Members of a Commission. No Member shall vote on or participate in the discussion or consideration of any matter coming before a Commission in which he, his immediate family, or any business enterprise with which he is associated has any direct or indirect pecuniary interest; provided, however, that when any such matter is brought before a Commission, any Member having an interest therein which may be in conflict with his obligations as a Member shall immediately make a complete disclosure to such Commission of any direct or indirect pecuniary interest he may have in such matter prior to removing himself and withdrawing from the Commission's deliberations and vote on the matter presented. In furtherance, and not in limitation of the foregoing provision, no Member or employee of a Commission, and no spouse, child, parent, brother or sister of any such Member or employee, (i) shall have any

financial interest, direct or indirect, in any horse racetrack or operation incidental thereto which is subject to the provisions of this Act, or in any entity which has submitted an application for a license under this Act, or in the operation of any wagering authorized under this Act or (ii) shall participate as owner of a horse or otherwise as a contestant in any race subject to the jurisdiction of a Commission or have any pecuniary interest in the purse or prize contested for in any such race. No appointed Member or officer of a Commission (e.g., any Member or officer of a Commission who does not serve as such by reason of his holding another office), no employee of a Commission, and no spouse, child, parent, brother or sister of any such appointed Member or officer or of any such employee, shall make, or cause to be made on his or her behalf, any contribution to any holder of any office of the State or any office of the Sponsoring Municipality or the Host County of such Commission or any contribution to any candidate for any such office.

The mayor or other chief executive officer of the Sponsoring Municipality and the president or other designated presiding officer of the county commission of the Host County shall perform the duties of Members of a Commission, ex-officio, without any compensation other than that to which they are respectively entitled as such municipal or county officers. Appointed Members of a Commission shall be entitled to such compensation for their services as the Commission shall from time to time provide by duly adopted resolution, provided that no appointed Member of a Commission shall receive more than \$100 for each day or part thereof spent in the performance of his duties. Each Member, whether appointed or serving ex-officio, shall be reimbursed for his or her reasonable expenses incurred in the performance of his or her duties as a Member of a Commission. The compensation and expenses of Members shall be paid out of the funds of a Commission in accordance with such rules as shall be from time to time adopted by such Commission. A majority of the Members of a Commission shall constitute a quorum for the transaction of business by such Commission, and, in the absence of a rule incorporated in the bylaws of a Commission that, in certain circumstances, may require the favorable vote of a designated percentage of all the Members of a Commission, decisions shall be made on the basis of a majority of the quorum then present and voting, with each Member to have a single vote. No vacancy in the membership of a Commission or the voluntary disqualification or abstention of any Member thereof shall impair the right of a quorum to exercise all of the powers and duties of the Commission.

Section 8. Officers of a Commission. The officers of a Commission shall consist of a chairman, vice chairman, executive secretary, treasurer and such other officers as the Commission shall deem necessary or appropriate. The chairman and vice chairman of a Commission shall be elected by the Commission from the membership thereof. The executive secretary shall be appointed as provided in Section 10 hereof. The principal financial officer of the Sponsoring Municipality of a Commission shall serve ex-officio as the treasurer of such Commission.

Section 9. Treasurer of a Commission; Investment of Funds of a Commission. The treasurer of a Commission shall collect all the fees, commissions and other moneys provided for in this Act, and shall supervise, check and audit the operation of the pari-mutuel wagering pools and the conduct and distribution thereof. The principal financial officer of a Sponsoring Municipality shall perform the duties of the treasurer of a Commission, ex-officio, without any compensation other than that to which he or she is entitled as the principal financial officer of such Sponsoring Muni-

pality, but he or she shall be reimbursed for expenses actually incurred in the performance of his or her duties as treasurer of a Commission. All managerial, accounting and clerical personnel which the principal financial officer of a Sponsoring Municipality shall determine to be necessary to keep the books and records of a Commission created for such Sponsoring Municipality and to perform the audit and other financial functions for such Commission authorized or contemplated by this Act shall be employees of such Sponsoring Municipality and shall perform their duties under the supervision of such principal financial officer in his capacity as ex-officio treasurer of such Commission; provided, however, that the number, qualifications and compensation of personnel employed by such Sponsoring Municipality to perform all financial functions for such Commission shall be subject to the approval of such Commission, as well as to such other laws and regulations as may be applicable to such personnel as employees of such Sponsoring Municipality. Each Commission shall reimburse the Sponsoring Municipality for all costs and expenses incurred in the performance of all financial functions for such Commission, including a reasonable allowance for the time of the principal financial officer of such Sponsoring Municipality devoted to the business of such Commission as its ex-officio treasurer.

The funds of a Commission which its treasurer determines are not then needed to discharge its obligations or to make the disbursements provided for in Sections 34 and 36 hereof may be invested in such of the following investments as its treasurer may determine to be most advantageous or convenient: (i) any time deposit with, or any certificate of deposit issued by, or any acceptance by, any bank which is organized under the laws of the United States of America or any state thereof and deposits in which are insured, in whole or in part, by the Federal Deposit Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation; (ii) any direct, general obligation of the United States of America; (iii) any obligation payment of the principal of and interest on which is unconditionally guaranteed by the United States of America; (iv) any direct, general obligation of, or any obligation payment of the principal of and interest on which is unconditionally guaranteed by, any agency or instrumentality of the United States of America (including, without limitation, the Federal National Mortgage Association); and (v) any repurchase agreement or reverse repurchase agreement with any bank which is a member of the Federal Deposit Insurance Corporation (or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation) or with any government bond dealer reporting to and trading with the Federal Reserve Bank of New York, provided that such agreement is secured by obligations or securities described in clauses (i), (ii), (iii) and (iv) of this sentence. Funds of a Commission not invested in accordance with the preceding sentence shall be deposited in a bank the principal office of which shall be located in the Sponsoring Municipality and the deposits of which shall be insured, in whole or in part, by the Federal Deposit Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation.

Section 10. Powers and Duties of a Commission. A Commission shall have the powers and duties necessary to license, regulate and supervise horse racing and pari-mutuel betting incidental thereto, including, without limiting the generality of the foregoing, the powers and duties set forth hereinafter in this section or in other sections of this Act.

(1) A Commission shall have succession in perpetuity, subject only to the provisions of this Act as it may be amended from time to time.

(2) A Commission shall have the power to sue and be sued in its own name in civil suits and actions and to defend suits against it.

(3) A Commission shall have the power to adopt and make use of an official seal and to alter the same at pleasure.

(4) A Commission shall have the power to adopt, alter and repeal by-laws, regulations and rules, not inconsistent with the provisions of this Act, for the regulation and conduct of its affairs and business.

(5) A Commission shall have the power (a) to borrow money from any source, including the Sponsoring Municipality (which is hereby authorized to lend such money to its related Commission), for the purpose of paying expenses that may be reasonably incurred in carrying out its duties in advance of the receipt of fees, commissions and other moneys payable to it under the provisions of this Act, and (b) to pledge as security for the payment of the principal of and interest on the money so borrowed all or any of such fees, commissions and other moneys, which pledge shall be prior to any and all claims to such fees, commissions and other moneys from any intended recipients of Breeding Fund Fees pursuant to Section 34 hereof or from any intended recipients of the Net Revenues pursuant to Section 36 hereof; provided, however, that no Commission shall be entitled to borrow, or to allow to remain outstanding at any time, a principal amount in excess of (i) \$500,000 or (ii) the amount which the Commission estimates will be its total operating expenses for the next three years, whichever of such amounts is the lesser.

(6) A Commission shall establish and maintain a general business office within its Sponsoring Municipality for the transaction of its business at a place to be determined by such Commission. A Commission shall meet at such times and places within its Sponsoring Municipality as it shall determine.

(7) Each Commission shall be vested with supervision and authority over all horse races licensed by it under the provisions of this Act and over all persons conducting, participating in or attending such races. A Commission shall employ such persons to be present at race meetings as are necessary to ensure that they are conducted with order and the highest degree of integrity, and it may require that an Operator pay such salaries to such of the Commission's employees as it shall prescribe. A Commission may eject or exclude from any racetrack or from any part thereof any person, whether or not he possesses a permit, whose conduct or reputation is such that his presence may, in the opinion of the Commission, reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of horse racing.

(8) A Commission and its representatives and employees shall visit, investigate and have free access to the office, track, facilities or other place of business of an Operator, and may compel the production of any of an Operator's books, documents, records or memoranda for the purpose of satisfying itself that such Operator is truthfully complying with the provisions of this Act and the Commission's rules and regulations. A Commission shall require that there be delivered to it an annual balance sheet and income statement of each Operator subject to its jurisdiction and also a copy of any management, concession or other contract to which any such Operator is a party.

(9) A Commission shall adopt and publish reasonable rules, regulations and conditions under which all types of racing subject to its jurisdiction, and pari-mutuel wagering, shall be conducted in its Sponsoring Municipality, and such other reasonable regulations as it deems necessary and appropriate to carry out the purposes and provisions of this Act. Such rules and regulations may include reasonable penalties for violations which shall be in the nature of civil and not criminal penalties.

(10) A Commission may issue subpoenas for the attendance of witnesses before it, administer oaths and compel production of records or other documents and testimony of such witnesses whenever such Commission finds it necessary and appropriate so to do in order to carry out its duties under this Act or to enforce the provisions of this Act or rules or regulations adopted pursuant hereto.

(11) A Commission shall have the power to compel an Owner or Operator to file with such Commission such information, including, without limitation, financial statements and information relative to stockholders and all others with any pecuniary interest in such licensee as shall appear to such Commission to be necessary for the performance of its duties hereunder, and may prescribe the manner in which books and records of an Owner or Operator shall be kept.

(12) A Commission shall have the power to enter into arrangements with any governmental or nongovernmental agency or association for the purposes of exchanging information, establishing security forces or performing any other act better to ensure the proper conduct of horse racing.

(13) A Commission shall have the power to demand and obtain for its files the fingerprints of the following persons, which fingerprints may be taken by a representative of a law-enforcement agency of the county, state or federal government, by inspectors of such Commission or by such qualified private security agency as such Commission may designate: (i) all Members, officers and employees of such Commission; (ii) every person who is an officer, director, partner or other principal of a corporation, partnership or other entity which holds a license as an Owner or Operator, and every employee of such a licensee whose duties relate to the horse racing business in the Sponsoring Municipality; (iii) all owners of horses, trainers, jockeys, apprentices, stable employees, managers, agents, blacksmiths, veterinarians and other persons who actively participate in the racing activities of any Operator; and (iv) all other persons whose relationship to horse racing and wagering activities under the jurisdiction of such Commission is of such nature that such Commission, in the exercise of reasonable judgment, believes that it would be prudent to obtain the fingerprints of such persons.

(14) A Commission shall report annually to the governing body of its Sponsoring Municipality and to such state and federal authorities as shall be required by law.

(15) All books, records, maps, documents and papers of a Commission, including those filed with such Commission as well as those prepared by or for it, shall at all times be open for the personal inspection of any officer of the State, the Sponsoring Municipality or the Host County or any official investigative body or committee of any thereof, and no person having charge or custody thereof shall refuse this right to any officer or investigative body or committee, and it shall be the express duty of such person to assist such officer or committee in locating records or information. If any Member of a Commission violates the provisions of this paragraph, he shall be subject to removal from office.

(16) Subject to the provisions of Section 11 of this Act, a Commission shall appoint an executive secretary and such other employees as it deems essential to perform its duties under this Act. Such employees shall possess such authority and perform such duties as the Commission shall prescribe or delegate to them. Such employees may include stewards, chemists, veterinarians, inspectors, accountants, guards, and such other employees deemed by the Commission to be necessary for the supervision and the proper conduct of the highest standard of horse racing. Such employees shall be compensated as provided by the Commission.

(17) The executive secretary of a Commission, in addition to any other duties prescribed by such Commission, shall keep a true and full record of all proceedings of such Commission and preserve at such Commission's general office all books, documents and papers of such Commission.

(18) A Commission shall have the authority to employ legal counsel of its choice to advise such Commission and represent it in all proceedings. The compensation of such counsel shall be paid out of funds of such Commission.

Section 11. Qualifications of Commission Employees. Each appointed officer and each employee of a Commission shall be of good moral character and shall never have been indicted by a grand jury for any felony or other offense involving moral turpitude, shall never have been convicted of a felony or other offense involving moral turpitude, shall never have been the subject of injunctive or disciplinary action by any federal or state court or regulatory body charged with protecting the public against fraudulent or illegal conduct, and shall never have been made the subject, either singly or in conjunction with others, of an investigation by either a federal or state law enforcement agency into activities that violate or allegedly violate federal or state laws against criminal conspiracy, racketeering, illegal gambling and other activities associated with organized crime. As a condition of employment by a Commission, each employee shall make and submit to such Commission an affidavit confirming his or her qualifications, as set forth in the preceding sentence, to be an employee of such Commission, which affidavit shall constitute a part of the permanent personnel records of such Commission. Any employee of a Commission who in such affidavit intentionally makes a false statement of material fact or intentionally fails to disclose any information necessary to make any statement of material fact made therein not misleading shall be guilty of perjury and shall be subject to prosecution and punishment therefor in the same manner as if he had committed perjury as a witness in open court.

Section 12. Review of Commission Action. Any person aggrieved by a refusal of a Commission to issue any license or permit, or suspension or revocation of a license or permit, imposition of a fine, or any other action of the Commission, may, within thirty (30) days of such action, appeal to the circuit court of the Host County. If such court finds that the action of such Commission was arbitrary, it shall order the issuance or reinstatement of such license or permit, abatement of such fine or such other action as it deems appropriate. The decision of such court shall be subject to appeal as in other cases at law.

Section 13. Commission May Obtain Injunctions. Whenever it appears to a Commission that any person has been violating or may violate any provision of this Act or any reasonable rule or regulation or final decision of such Commission, it may apply to the circuit court of the Host

County for an injunction against such person. The order granting or refusing such injunction shall be subject to appeal as in other cases in equity.

Section 14. Licenses Required for Owners and Operators. No person shall construct or establish a horse racetrack where race meetings are to be held and pari-mutuel wagering permitted, or own any such track or racing facilities in the Sponsoring Municipality, unless he has obtained an owner's license issued by a Commission in accordance with the provisions of this Act, which license when granted shall authorize the holder thereof to conduct, establish and own in the Sponsoring Municipality a horse racetrack where race meetings are held and pari-mutuel wagering permitted in compliance with this Act.

No person shall operate pari-mutuel wagering or conduct any race meeting at which wagering is permitted with his knowledge or acquiescence in the Sponsoring Municipality unless he has obtained an operator's license under the provisions of this Act, which license when granted shall authorize the holder thereof to operate pari-mutuel wagering or conduct a race meeting at which pari-mutuel wagering is permitted in the Sponsoring Municipality in compliance with this Act.

No license issued under the provisions of this Act shall be transferable without the approval of the Commission which issued such license, such approval to be given or withheld under rules and regulations adopted by such Commission.

Section 15. Application for Owner's License. Any person desiring to construct or own a racetrack at which pari-mutuel wagering is permitted shall file with the appropriate Commission an application for an owner's license. Such application shall be filed at the time and place prescribed by such Commission and shall be in such form and contain such information as may be prescribed by such Commission, including the following:

(1) the name and address of such person; if a corporation, the state of its incorporation and the full name and address of each officer and director thereof; if a foreign corporation, whether it is qualified to do business in the State; and if a partnership or joint venture, the name and address of each general partner thereof;

(2) the name, and every address for the period of five years immediately preceding the date of such application, of each stockholder or member of such corporation, or each general partner of such partnership or joint venture, and of each person who has contracted for a pecuniary interest in the applicant or the facilities at which such race meeting or pari-mutuel wagering will be conducted, whether such interest be an ownership or a security interest, and the nature and value of such interest, and the name and address of each person who has agreed to lend money to the applicant; provided that if the applicant proposes to arrange further financing, subsequent to the award of an owner's license, through a sale of stock, partnership interests or other equity interests, the issuance of debt securities, the entering into of financing leases or otherwise borrowing money, then, in such case, such Commission may grant an owner's license which sets forth conditions to be met in arranging such further financing or which reserves to such Commission the right to approve any or all aspects of such further financing;

(3) such information as such Commission deems appropriate regarding the character and responsibility of the applicant and the members, partners, stockholders, officers and directors of the applicant;

(4) the location and description of the racetrack, place or enclosure where such applicant proposes to hold race meetings; provided that such Commission may require such information about the facilities and location of the track, including preliminary architectural plans, as it deems necessary and appropriate to determine whether they comply with the minimum standards provided in this Act, and whether the conduct of race meetings at such location would be in the best interests of the people of the State;

(5) such information relating to the financial responsibility of the applicant as such Commission deems appropriate;

(6) if any of the facilities necessary for the conduct of racing or pari-mutuel betting are to be leased, the terms of such lease; and

(7) any other information which such Commission in its discretion deems appropriate.

Any application filed hereunder shall be verified by the oath or affirmation of an officer of the applicant, and shall be accompanied by a nonrefundable fee of \$15,000.

Section 16. Review of Application for Owner's License. A Commission shall promptly consider any application for an owner's license submitted to it and shall grant or deny such license based on all information before it, including any investigations it deems appropriate. A Commission shall deny a license to any applicant unless it finds as follows: (1) that each natural person having an ownership interest in the applicant, either directly or indirectly, shall have been a resident of the State continuously for a period of five years next preceding the date of the application in question; and

(2) that the applicant's facilities will meet the following minimum standards: (a) that the facilities will provide a track racing surface of at least one mile; (b) that the facilities will be appropriate for the conduct of year-round racing and night racing; and (c) that the facilities will be located within the corporate limits of the Sponsoring Municipality or will be annexed thereto prior to the commencement of racing.

For purposes of clause (1) of the next preceding sentence of this section, a resident of the State shall be a natural person who during the period in question had such continuing presence in the State as would have satisfied the residency requirements for such person to be and remain a registered voter in the State during such period.

The provisions of this section which permit an owner's license to be granted to an Owner only if each natural person having an ownership interest in such Owner has been a resident of the State continuously for the preceding five years shall not be construed (A) to impair the foreclosure rights of any mortgagee holding a mortgage on the racing facilities of such Owner securing debt incurred to finance the costs of constructing or purchasing such racing facilities or (B) to impair the rights of any mortgagee holding such a mortgage, or the rights of any other person, corporation or other legal entity to which such racing facilities may be sold in foreclosure, to take and hold title to such racing facilities, to lease or sell the same, and to apply for and receive an owner's license therefor from the Commission upon compliance with all other applicable provisions of this Act, irrespective of whether the aforesaid condition of five years' residence in the State shall be satisfied by each individual having an ownership interest in such mortgagee or an ownership interest in a corporation or other legal entity to which such racing facilities shall be sold, as the case may be.

A Commission shall deny a license to an applicant if it finds that for any reason the issuance of a license to such applicant would not be in the interests of the people of the Sponsoring Municipality, or that the applicant, or any officer, general partner or director of the applicant:

(i) has knowingly made a false statement of a material fact in the application or has deliberately failed to disclose any information called for in the application;

(ii) is or has been guilty of any corrupt or fraudulent act, practice or conduct in connection with any horse race meeting in the State or any other state;

(iii) has had a license or permit to hold or conduct a horse race meeting denied for just cause, suspended or revoked in any other state or country; or

(iv) is not qualified to do business in the State, or is not subject to the jurisdiction of the courts of the State.

Section 17. Terms of Owner's License. An owner's license issued under this Act shall be for a period determined by the Commission issuing such license, not to be less than twenty-five (25) years, but shall be reviewed annually. A Commission issuing an owner's license shall state therein the person to whom such license is issued, the duration of such license, the location of the proposed racetrack, and such other conditions of the license and related information as such Commission shall deem proper. It shall be the policy of each Commission to permit widespread ownership of stock or limited partnership interests in a corporation or partnership holding an owner's license and owning a racetrack facility.

While any owner's license or licenses theretofore issued by a Commission shall remain in effect, such Commission shall not issue (i) any other owner's license with respect to the racetrack covered by the owner's license or licenses already in effect or (ii) any other owner's license covering any other racetrack to be located in the Sponsoring Municipality without, in either case, the duly authorized consent of the Owner or Owners holding all owner's licenses already in effect, which consent shall be obtained in writing prior to the issuance of any such other owner's license. Any provisions of this Act or any other law to the contrary notwithstanding, a Commission may, at the time of the issuance of an owner's license to an Owner or at any time thereafter, enter into a contract with such Owner establishing restrictive conditions under which such Commission may license racetracks that would compete with the racetrack covered by the license of such Owner, which conditions may, in the discretion of such Commission, preclude the licensing of any competing racetracks while such Owner's license shall remain in effect. The provisions of any such contract between a Commission and an Owner shall be deemed to be a part of the terms and conditions of the owner's license granted to such Owner. Without in any way limiting the nature of the consideration that might be given by an Owner to make such contract binding, the obligations (including any future obligations) of any Operator using the racetrack covered by such Owner's license to pay the State Wagering Fee and the Commission Wagering Fee, together with the economic benefits to be derived by the State and such Commission and its Sponsoring Municipality from the establishment and continued operation of a racetrack, shall be deemed sufficient consideration to make such contract binding upon such Commission and any State Racing Commission. Any such contract between a Commission and an Owner shall be binding upon such Commission and any State Racing Commission at any time exercising jurisdiction over such Commission or such Owner and shall not be impaired

by any subsequent action of such Commission or such State Racing Commission or by any act of the Legislature of Alabama which, through the authorization of another licensing entity or by any other means, would permit or encourage the establishment and operation of a competing racetrack in contravention of such contract.

A Commission may require a bond with surety acceptable to it in an amount determined by it to be sufficient to cover the maximum indebtedness anticipated to be incurred by the licensee to such Commission in any year. The amount of such bond may be adjusted from time to time as such Commission may require.

Each Commission may require the licensee to pay such Commission a license fee of \$2,000 per month for a period beginning six months from the date of issuance of the owner's license to the date of the beginning of operation of the related racetrack. The license fee shall be used by the Commission for operating expenses prior to the beginning of operation of the racetrack.

Section 18. Application for Operator's License. Any corporation desiring to hold race meetings at which pari-mutuel wagering is permitted shall file with the appropriate Commission an application for an operator's license. Such application may be made in conjunction with an application for an owner's license. It shall be filed at the time and place prescribed by the Commission and shall contain such information as prescribed by the Commission, including all information required for an owner's license under this Act. Any application for an operator's license filed hereunder shall be verified by the oath or affirmation of an officer of the applicant and shall be accompanied by a nonrefundable fee of \$10,000.

Section 19. Review of Application for Operator's License. A Commission shall promptly consider any application for an operator's license submitted to it and shall grant or deny such license based on all information before it, including any investigation it deems appropriate. A Commission shall deny a license to any applicant unless it finds as follows:

(1) that such applicant is a corporation organized under Title 10 of the Code of Alabama 1975, or comparable law or laws of another state, and qualified to do business in the State;

(2) if the corporation is a stock corporation, that no one person owns more than thirty percent (30%) in voting rights or value of the stock of such corporation, and that no "family group" (which shall mean, for the purposes of this clause (2), any person and his or her spouse, parents, brothers and sisters) owns more than fifty percent (50%) in voting rights or value of the stock of such corporation; if the corporation is a nonstock corporation, that there are at least ten members, and that no more than twenty percent (20%) of the membership belongs to any family group;

(3) if the corporation is a stock corporation, that one hundred percent (100%) in voting rights and value of such corporation is owned directly or indirectly (through ownership of corporate stock, partnership interests or beneficial interests in one or more trusts or estates) by natural persons who have been residents of the State continuously for a period of five years next preceding the date of the application in question; if the corporation is a nonstock corporation, that members of such corporation possessing one hundred percent (100%) of the voting rights are natural persons who have been residents of the State for a period of five years next preceding the date of the application in question;

(4) that the members of the board of directors of such corporation, whether the same shall be a stock or a nonstock corporation, are individuals who have been residents of the State for a period of five years next preceding the date of the application in question;

(5) that the applicant's articles or certificate of incorporation or other corporate documents provide that it may, on vote of a majority of the stockholders or members, purchase at fair market value the entire stock or interest of any stockholder, or require the resignation of any member, who is or becomes unqualified for such position under this Act;

(6) that the applicant would be qualified, under the provisions of this Act, for a license to own the racetrack facilities at which it desires to hold a race meeting;

(7) that the applicant shall have made, or shall have committed to make, arrangements satisfactory to such Commission for the detection and prosecution of any corrupt or fraudulent act, practice, or conduct in connection with any race meeting, including utilization of the services of a protective agency acceptable to such Commission; and

(8) that the applicant shall have obtained and committed to maintain membership in such racing associations (as, for example, the Thoroughbred Racing Association or the United States Harness Association) as such Commission finds necessary or desirable to assist an Operator to operate race meetings.

For purposes of clauses (3) and (4) of the next preceding sentence of this section, a resident of the State shall be a natural person who during the period in question had such continuing presence in the State as would have satisfied the residency requirements for such person to be and remain a registered voter in the State during such period.

Section 20. Terms of Operator's License. An operator's license issued under this Act shall be for a period determined by the Commission issuing such license, not to be less than twenty-five (25) years, but shall be reviewed annually. Any such license issued under this Act shall permit the holder thereof to hold and conduct one or more race meetings each year at the racetrack to which such license shall be applicable. Races may be conducted six days or nights a week throughout the year, but not on Sunday.

A Commission issuing an operator's license shall state therein the corporation to which such license is issued, the location of the racetrack where meetings are to be conducted, the period during which such license shall be in effect, and such other conditions of the license and related information as such Commission shall deem proper.

While any operator's license or licenses theretofore issued by a Commission shall remain in effect, such Commission shall not issue any other operator's license with respect to any racing events of the kind covered by the operator's license or licenses already in effect without the duly authorized consent of the Operator or Operators holding all operator's licenses already in effect, which consent shall be obtained in writing prior to the issuance of any such other operator's license. Any provisions of this Act or any other law to the contrary notwithstanding, a Commission may, at the time of the issuance of an operator's license to an Operator or at any time thereafter, enter into a contract with such Operator establishing restrictive conditions under which such Commission may license the conduct of racing events that would compete with the racing events or activities covered by the license of such Operator, which conditions may, in the discretion of such

Commission, preclude the licensing of any competing racing events or activities while such Operator's license shall remain in effect. The provisions of any such contract between a Commission and an Operator shall be deemed to be a part of the terms and conditions of the operator's license granted to such Operator. Without in any way limiting the nature of the consideration that may be given by an Operator to make such contract binding, the obligations (including any future obligations) of any Operator to pay the State Wagering Fee and the Commission Wagering Fee, together with the other economic benefits to be derived by the State and by such Commission and its Sponsoring Municipality from the conduct of horse racing and parimutuel wagering thereon, shall be deemed sufficient consideration to make such contract binding upon such Commission and any State Racing Commission. Any such contract between a Commission and an Operator shall be binding upon such Commission and any State Racing Commission at any time exercising jurisdiction over such Commission or such Operator and shall not be impaired by any subsequent action of such Commission or such State Racing Commission or by any act of the Legislature of Alabama which, through the authorization of another licensing entity or by any other means, would permit or encourage the conduct of racing events or activities by persons other than such Operator in contravention of such contract.

A Commission issuing an operator's license shall require a bond with surety acceptable to it, and in an amount determined by it to be sufficient to cover the maximum indebtedness anticipated to be incurred by the holder of such license to such Commission in any year. The amount of such bond may be adjusted from time to time as such Commission may require.

Section 21. Suspension or Revocation of License. A Commission may suspend or revoke any license or fine the holder thereof not to exceed \$5,000 after hearing with fifteen (15) days' notice in any case where it has reason to believe that any regulation of the Commission has not been complied with or has been violated. Annually, each Commission shall review the performance of each licensee for compliance with the provisions of this Act and the rules and regulations of such Commission. Deliberations of a Commission under this section may be conducted in executive session, unless otherwise requested by the licensee. If any such license is suspended or revoked, the Commission shall state its reason for doing so, which shall be entered of record. Such action shall be final unless appealed in accordance with the provisions of this Act.

Section 22. Application to Acquire Interest in Operator. Any person desiring to acquire stock in, or become a member of, a corporation which holds an operator's license hereunder shall apply to the Commission which issued such license on a form prescribed by it for approval of such acquisition or membership; provided, however, that no stock in any stock corporation holding an operator's license may be acquired or transferred pursuant to the provisions of this section unless all the natural persons who will ultimately own, directly or indirectly, all the voting rights and value represented by such stock shall have been residents of the State (as "resident of the State" is defined in Section 19 hereof) continuously for a period of five years next preceding the date on which such stock is to be acquired or transferred; provided further that no person shall become a member of any nonstock corporation holding an operator's license unless such person is a natural person who shall have been a resident of the State (as "resident of the State" is defined in Section 19 hereof) continuously for a period of five years next preceding the date on which such person is to become a member of such corporation. The Commission shall consider such application forthwith, and may, if it finds it necessary, demand additional information con-

cerning the proposed acquirer or transferee of stock or the proposed member in a nonstock corporation, as the case may be. If in the judgment of the Commission the acquisition or transfer of stock or membership in a corporation holding an operator's license would be detrimental to the public interest, to the honesty and integrity of racing, or to the reputation of racing, the application shall be denied. If the application is not denied within sixty (60) days, it shall be deemed approved. It shall be the policy of each Commission to favor the widespread ownership of stock in Operators by residents of the State.

Section 23. Permits Required for Certain Individuals and Companies. No person, firm, corporation or partnership shall participate in any horse racing subject to the jurisdiction of a Commission or in the conduct of any racing event or pari-mutuel wagering thereon, whether as a horse owner, trainer, jockey, exercise boy, groom, stable foreman, valet, veterinarian, agent, pari-mutuel employee, concessionaire or employee thereof, or track employee, or enter the track enclosure in any capacity other than as a spectator, unless such person or the firm, corporation or partnership employing such person possesses a permit therefor from the appropriate Commission and complies with the provisions of this Act and all reasonable rules and regulations of such Commission. No permit issued under this section shall be transferable.

The provisions of this section which require a concessionaire to obtain a permit from the appropriate Commission in order to operate a business selling food, beverages, souvenirs or other merchandise to persons attending racing events shall not be construed to permit any Commission to charge a concessionaire any license or permit fees measured by its gross revenues or to derive any economic benefit from the operations of such concessionaires other than the permit fees authorized by Section 24 of this Act, it being expressly provided that the Owner and the Operators for each racing facility shall have the exclusive rights (as they may by contract allocate such rights among themselves) to determine the business conditions under which concessionaires shall operate at racing facilities under the jurisdiction of any Commission and to retain all moneys (except for the Commission's permit fee as aforesaid) which any concessionaire is willing to pay for the privilege of conducting business at such racing facilities.

Section 24. Application for Permit. Any person, firm, corporation or partnership desiring to obtain a permit as required by this Act shall make application therefor on a form prescribed by the appropriate Commission. Each individual applicant and each principal of any firm, chief executive officer of any corporation and managing partner of any partnership applying for a permit for such firm, corporation or partnership, as the case may be, shall be photographed and fingerprinted and shall supply such information as such Commission may require. All information contained in, or submitted in support of, any application for a permit shall be confirmed by an affidavit of the person or persons making such application, whether such application shall be made on behalf of such person or persons or on behalf of a firm, corporation or partnership. Any application for a permit made by an individual who seeks to work at a racing facility under the jurisdiction of a Commission and any application for a permit made by a firm, corporation or partnership that seeks to provide services or sell merchandise at such racing facility, as the case may be, shall include a statement as to whether such individual, or any owner, principal, officer, director or partner of such firm, corporation or partnership, or any employee of such firm, corporation or partnership who will actually work at such racing facility, has ever been convicted of a felony or other offense involving moral turpitude. Any firm,

corporation or partnership which has previously received an effective permit from a Commission to provide services or sell merchandise at a racing facility shall, as a condition of maintaining such permit, file with such Commission supplemental information (including the statement described in the preceding sentence) concerning any new or additional owners, principals, officers, directors or partners of such firm, corporation or partnership, as the case may be, or any new or additional employees thereof who will actually work at such racing facility.

A Commission shall be entitled to charge fees for permits according to such schedule as it shall adopt from time to time, and in addition to the fee that it may charge a firm, corporation or partnership having employees at a racing facility under its jurisdiction, it may charge a separate fee for each individual employee of such firm, corporation or partnership working at such racing facility; provided, however, that (i) the permit fee for any one firm, corporation or partnership shall not exceed \$1,000 in any period of one year and (ii) the permit fee for any individual shall not exceed \$50 in any period of one year, regardless of whether such individual is self-employed or is employed by a firm, corporation or partnership also paying a permit fee.

Section 25. Review of Applications for Permits. A Commission shall promptly consider any application for a permit submitted to it and shall issue or deny such permit based on the information in the application and all other information before it, including any investigation it deems appropriate. If an application for a permit is approved, the Commission approving such application shall issue a permit which shall contain such information as such Commission deems appropriate. Such permit shall be valid for one year.

A Commission shall deny any such application and refuse to issue a permit, which denial shall be final unless an appeal is taken under the provisions of this Act, if it finds that the issuance of such permit to the applicant therefor would not be in the interest of the applicant, the people of the Sponsoring Municipality or the horse racing industry in the Sponsoring Municipality, or that the applicant:

(1) has knowingly made a false statement of a material fact in the application or has deliberately failed to disclose any information called for by the application;

(2) is or has been guilty of any corrupt or fraudulent practice or conduct in connection with any horse racing activity in the State or any other state;

(3) has failed to comply with the provisions of this Act or the reasonable rules and regulations of the Commission;

(4) has had a permit to engage in an activity related to horse racing denied for just cause, suspended or revoked in any other state, and such denial, suspension or revocation is still in effect; or

(5) is unqualified to perform the duties required for the permit sought.

Section 26. Suspension or Revocation of Permit. A Commission may suspend or revoke a permit issued under this Act or fine the holder of such permit not to exceed \$1,000, after hearing with fifteen (15) days' notice to such holder, in any case where it has reason to believe that any provision of this Act, or any reasonable rule or regulation of the Commission, has not been complied with or has been violated. The Commission may revoke such permit, after such hearing, if it finds that facts not known by it at the time

it considered the application for such permit indicate that such permit should not have been issued. Deliberations of a Commission concerning the suspension or revocation of a permit may be conducted in executive session unless otherwise requested by the holder of such permit. If any permit is suspended or revoked, the Commission shall state its reasons for so doing and shall enter the same in the permanent records of its proceedings. The suspension or revocation of a permit shall be final unless an appeal is taken in accordance with the provisions of this Act.

Section 27. License Required for Stewards; Appointment of Stewards for Race Meetings. Any person desiring to act as a steward for any race meeting conducted pursuant to this Act must obtain a license from the Commission having jurisdiction over such race meeting. Each Commission shall require each applicant for a steward's license to pass one or more examinations on matters relating to the duties of stewards. Such examinations shall be prepared and administered in accordance with rules and regulations to be adopted by each Commission. Any Commission may establish other requirements, in addition to successful completion of such examinations, which must be met by any applicant in order to obtain a steward's license, including, without limitation, payment of reasonable license fees. Any steward's license issued pursuant to this Act shall have a term not exceeding two years, provided that the term of any such license may be extended or renewed at the option of the appropriate Commission.

Three licensed stewards shall be appointed to supervise each race meeting conducted pursuant to this Act. Two of such stewards shall be appointed by the Commission governing such race meeting and one shall be appointed by the Operator conducting such race meeting. Such stewards shall exercise such powers and perform such duties at each race meeting as may be prescribed by the rules and regulations of the governing Commission.

Section 28. General Provisions Respecting Pari-Mutuel Wagering. Pari-mutuel wagering conducted by an Operator shall be conducted in accordance with the provisions of this section. An Operator shall provide a place or places at the racetrack operated by it at which such Operator shall conduct a pari-mutuel system of wagering by its patrons on the results of horse races held at such racetrack. Such place or places shall be provided with the electronic or mechanical equipment necessary to issue pari-mutuel tickets, as well as the electronic or mechanical equipment necessary to record the wagering, compute the odds, and determine the awards to winning bettors, all in an accurate and speedy manner. All such equipment shall be approved by the Commission licensing such Operator before being used, but such Commission shall not require the installation of any particular make of such equipment.

Subject to the provisions of the next succeeding paragraph, an Operator shall distribute to the winners of each pari-mutuel pool the total amount wagered with respect to that pool, less the following deductions to be retained by such Operator as in the case may be applicable:

(i) in the case of any pari-mutuel pool where the bettor is required to select one horse, there shall be deducted an amount equal to seventeen percent (17%) of the total amount wagered with respect to that pool plus the Breakage applicable to the winning bets for that pool;

(ii) in the case of any pari-mutuel pool where the bettor is required to select two horses, there shall be deducted an amount equal to twenty-one

percent (21%) of the total amount wagered with respect to that pool plus the Breakage applicable to the winning bets for that pool; and

(iii) in the case of any pari-mutuel pool where the bettor is required to select three or more horses, there shall be deducted an amount equal to twenty-three percent (23%) of the total amount wagered with respect to that pool plus the Breakage applicable to the winning bets for that pool.

In addition to the amounts permitted by the preceding sentence to be deducted from all pari-mutuel pools and retained by an Operator, such Operator shall be permitted to retain all moneys represented by unclaimed, uncashed, or abandoned pari-mutuel tickets; provided, however, that no pari-mutuel ticket shall be deemed to be unclaimed, uncashed, or abandoned unless it shall not be presented for payment within six months from the date of the running of the race to which such pari-mutuel ticket pertains.

During any period in which an Operator shall be required to pay the State Wagering Fee, such Operator shall have the right to increase the deduction permitted by the next preceding paragraph by any amount up to one percent (1%) of the total amount wagered with respect to any pari-mutuel pool, any provisions of this Act or any other law to the contrary notwithstanding. It is hereby expressly declared that this right is conferred upon each Operator licensed by a Commission for the purpose of enabling such Operator to generate all or part of the money necessary to pay the State Wagering Fee, and any increase in the amount deducted by an Operator from any pari-mutuel pools pursuant to the exercise of such right shall not be made the basis of any increase in the State Wagering Fee, the Commission Wagering Fee or any other taxes, fees or commissions payable by such Operator. No increase in the amount deducted from any pari-mutuel pool shall be permitted pursuant to this paragraph until such time as an Operator shall become liable for the State Wagering Fee, but thereafter, and for so long as such Operator shall remain liable for the State Wagering Fee, the right conferred by this paragraph to increase the amount deducted may be exercised at any time and from time to time (including the right to institute an increase and thereafter discontinue and resume it any number of times), may be exercised with respect to all pari-mutuel pools or with respect to some and not to others, and may be exercised with respect to any pari-mutuel pool in any degree of increase, not exceeding in any case more than one percent (1%) of the total amount wagered with respect to that pool, all as such Operator shall determine in the exercise of its sole discretion without direction or influence from the Commission licensing such Operator, any State Racing Commission or any other governmental body.

A Commission shall adopt and maintain rules and regulations for each kind of pari-mutuel pool that may be operated by an Operator licensed by such Commission, and such rules and regulations shall be published by such Commission in book or pamphlet form for general distribution to all interested persons. Under the pari-mutuel system of wagering hereby authorized, an Operator shall be permitted to provide separate pools for bets to win, place, and show, as well as separate pools for more complex wagers involving such combinations of races and such combinations of the outcomes of races as shall be approved by the Commission licensing such Operator. Each pool (less the amount that the Operator is permitted to retain pursuant to the provisions of this section) shall be distributed separately to the winners thereof in accordance with the rules and regulations of the governing Commission for that kind of pari-mutuel pool. If there is no ticket bet on the winning horse or combination of horses for any pari-mutuel pool, the por-

tion of the pool which would have been distributed to any winners thereof shall be distributed to the holders of tickets for such pool in accordance with the rules and regulations of the governing Commission for that kind of pari-mutuel pool.

Section 29. State Wagering Fee. No license tax, fee or equivalent charge shall be levied by the State against horse racing or pari-mutuel wagering thereon licensed and regulated by a Commission during a period beginning with the effective date of this Act and continuing until the fifth (5th) anniversary of the date on which racing events shall first be conducted under the jurisdiction of such Commission. Beginning with such fifth (5th) anniversary of the date on which racing events shall first be conducted under the jurisdiction of a Commission, and continuing thereafter for so long as such Commission shall continue in existence, each Operator licensed by such Commission shall pay to the Department of Revenue of the State (or such other department or agency of the State as may be provided by law) a State Wagering Fee in an amount equal to one percent (1%) of the Handle of such Operator. The State Wagering Fee shall be paid in installments referable to the calendar months during which racing events shall be conducted by an Operator, and the installment referable to any calendar month shall be an amount equal to one percent (1%) of the Handle of such Operator for such calendar month and shall be paid to the Department of Revenue of the State (or such other department or agency of the State as may be provided by law) prior to the end of the next succeeding calendar month. The Department of Revenue of the State (or other collecting department or agency of the State) is hereby authorized to promulgate and enforce such rules and regulations, not inconsistent with the provisions of this Act, as shall be reasonably necessary for the determination and collection of the State Wagering Fee. The Department of Revenue of the State (or other collecting department or agency of the State) may require a bond with surety acceptable to it in an amount determined by it to be sufficient to cover the maximum liability for the State Wagering Fee that may at any time be incurred by an Operator.

The Legislature hereby finds and determines that the State Wagering Fee authorized by this Act is the maximum license fee or equivalent tax or charge which can be levied by the State against horse racing or pari-mutuel wagering thereon without impairing the economic viability of horse racing and lessening its contribution to increased employment and tourism in the State. No State Racing Commission shall have the power to increase the State Wagering Fee above the limits provided in this Act, to impose the State Wagering Fee for any period not herein authorized, or to levy or impose any additional license fee or equivalent tax or charge against horse racing or pari-mutuel wagering thereon conducted under the provisions of this Act.

Section 30. Commission Wagering Fee. Each Operator shall pay to the treasurer of the Commission licensing such Operator a Commission Wagering Fee for each calendar year during which it conducts any racing events. The amount of the Commission Wagering Fee for an Operator for a given calendar year shall be equal to the sum of (i) two percent (2%) of the Handle of such Operator for such calendar year to the extent that such Handle does not exceed one hundred fifty million dollars (\$150,000,000) and (ii) four percent (4%) of the portion of the Handle of such Operator for such calendar year that exceeds one hundred fifty million dollars (\$150,000,000). Each Operator shall make payment of its Commission Wagering Fee for each calendar year to the treasurer of the licensing Commission in monthly installments. For each calendar year, the monthly install-

ment referable to any month (other than the month during which the final racing event for such calendar year shall be conducted) shall be equal to two percent (2%) of the Handle for such month. The monthly installment referable to the month during which the final racing event for any such calendar year shall be conducted shall be equal to the sum of (i) two percent (2%) of the Handle for such month and (ii) two percent (2%) of the portion of the aggregate Handle for such calendar year in excess of one hundred fifty million dollars (\$150,000,000). The installment of the Commission Wagering Fee referable to any calendar month shall be paid to the treasurer of the appropriate Commission prior to the end of the next succeeding calendar month.

If at any time during a calendar year the aggregate Handle of an Operator for such calendar year exceeds one hundred fifty million dollars (\$150,000,000), then such Operator shall, in order to assure the availability of the moneys required to pay the final installment of its Commission Wagering Fee for such calendar year, set aside and invest moneys in an amount equal to two percent (2%) of the portion of such aggregate Handle in excess of one hundred fifty million dollars (\$150,000,000) in investments of the kind in which the funds of a Commission are permitted by Section 9 hereof to be invested by its treasurer. Any such investments acquired by an Operator shall be held by it in trust for the benefit of the Commission licensing such Operator in order to secure the payment of the Commission Wagering Fee, but the Operator shall be entitled to any interest earned from such investments until the due date of the final installment of the Commission Wagering Fee for such calendar year.

The Legislature hereby finds and determines that the Commission Wagering Fee authorized by this Act is the maximum license fee or equivalent tax or charge which can be levied by a Commission or by any political subdivision of the State against horse racing or pari-mutuel wagering thereon without impairing the economic viability of horse racing and lessening its contribution to increased employment and tourism in the State. No Commission shall have the power to increase the Commission Wagering Fee above the limits provided in this Act or to levy or impose any additional license fee or equivalent tax or charge against horse racing or pari-mutuel wagering thereon conducted under the provisions of this Act.

Section 31. Purses. From the moneys deposited in pari-mutuel pools which are not distributed to the holders of winning tickets, each Operator shall apply an amount equal to seven percent (7%) of its total Handle to provide purse moneys for races conducted by such Operator. Prior to the commencement of any race meeting, the Operator conducting such meeting shall estimate the amount of its Handle to be derived from such meeting. Based upon such estimate, the Operator shall adopt a schedule providing for a reasonable allocation of purse moneys over the period of the anticipated race meeting. Any such schedule may be amended from time to time during the course of a race meeting if it becomes apparent that the Operator's actual Handle for such race meeting will not match its original estimate.

Each Operator shall provide the Commission licensing such Operator with periodic reports respecting the amounts applied by such Operator to provide purse moneys. If at the close of any race meeting it is determined that the Operator conducting such meeting failed to apply an amount equal to seven percent (7%) of its Handle for such meeting to provide purse moneys, then any excess shall be deducted from, and any deficiency shall be added to, the amount which such Operator is required to provide as purse moneys for its next succeeding race meeting.

Section 32. Television or Radio Transmission of Racing Events. Each Commission shall have the power to adopt rules and regulations specifying the conditions under which television or radio coverage of racing events held at racetracks located outside the State may be transmitted for public viewing to racetrack facilities within the Sponsoring Municipality which are under the jurisdiction of such Commission and there made the object of pari-mutuel wagering. Subject to such exceptions as a Commission may approve by rule or regulation in order to satisfy applicable requirements of federal law, all pari-mutuel wagering with respect to such racing events that are the subject of television or radio coverage shall be subject to the rules governing pari-mutuel wagering on racing events conducted at racetracks under the jurisdiction of such Commission, including the provisions of Sections 28, 29 and 30 hereof.

Each Commission shall also have the power to adopt rules and regulations specifying the conditions under which television or radio coverage of racing events held at racetracks under the jurisdiction of such Commission may be either (i) transmitted on a live or delayed basis by a commercial television or radio station or network for the entertainment of the public or (ii) transmitted to specific locations in other states for the purpose of pari-mutuel wagering at such locations.

Nothing contained in this section or any other provision of this Act shall be construed to authorize or make lawful wagering or gambling of any kind at any location other than the pari-mutuel facilities located at racetrack facilities licensed by a Commission.

Section 33. Admission Fee. The governing body of a Sponsoring Municipality may by ordinance impose a fee on an Operator licensed hereunder to conduct a race meeting of \$.25 on the admission of each person on each day of such meeting, except those persons holding valid permits under this Act and actually employed at such track in the capacities for which such permits were issued. The Operator may collect such amount from the ticket purchaser in addition to the amount charged for the ticket of admission.

Section 34. Breeding Fund. Each Commission shall establish a special fund to promote the breeding, raising and racing of thoroughbred and standardbred horses in the State, which shall be known as "The _____ [name of the Sponsoring Municipality] Racing Commission Breeding and Development Fund." Each Operator shall pay to its licensing Commission a Breeding Fund Fee for each month during which it conducts any racing events. For each Operator, the Breeding Fund Fee for any month shall be an amount equal to one-half of one percent ($\frac{1}{2}\%$) [or, in the case of any such fee referable to any month during the period of three years immediately following such Operator's receipt of an operator's license, one-quarter of one percent ($\frac{1}{4}\%$)] of the Handle for such Operator for such month. The Breeding Fund Fee payable by an Operator for a given month shall be paid to the treasurer of the Commission governing such Operator before the end of the succeeding month. All Breeding Fund Fees received by a Commission shall be deposited into its Breeding Fund.

Twenty percent (20%) of the aggregate amount of Breeding Fund Fees received by each Commission in each calendar year shall be set aside for distribution to the schools of veterinary medicine of Auburn University and Tuskegee Institute. Each Commission shall distribute the moneys so set aside on such schedule as shall be administratively reasonable and convenient, but in any event all such moneys referable to the Breeding Fund Fees received in any calendar year shall be distributed not later than sixty (60)

days after the end of such calendar year. Each Commission shall divide the twenty percent of the Breeding Fund Fees required to be set aside for the schools of veterinary medicine at Auburn University and Tuskegee Institute between such schools in an equitable manner, taking into account the number of students served by each school, the financial needs of each school to maintain accepted academic standards, the nature and quality of equine research conducted at each such school and such other factors as such Commission shall deem relevant in the circumstances; provided, however, that neither of such schools of veterinary medicine shall receive less than twenty-five percent (25%) of the total amount required to be set aside by the provisions of this paragraph in any calendar year. All moneys distributed to the schools of veterinary medicine at Auburn University or Tuskegee Institute pursuant to this paragraph shall be used exclusively for supportive research on the health and diseases of the horse.

Each Commission shall adopt rules and regulations governing the maintenance and administration of its Breeding Fund and the disbursement of the moneys deposited therein, provided that such moneys may be used only for the purposes specified in the next preceding paragraph of this section and for the following additional purposes:

(1) to provide awards to Breeders and owners of Alabama-Bred thoroughbred or standardbred horses finishing first, second, third or fourth in pari-mutuel races run in the State;

(2) to provide awards to Stallion Owners whose Alabama Stallions have sired Alabama-Bred thoroughbred or standardbred horses finishing first, second, third or fourth in pari-mutuel races run in the State;

(3) to provide purse moneys for races conducted exclusively for Alabama-Bred thoroughbred or standardbred horses under conditions which have been approved by such Commission;

(4) to advance and promote the breeding and raising of thoroughbred and standardbred horses in the State by the publication and dissemination of information relating thereto;

(5) to promote equine research through grants to universities within the State; and

(6) to provide for the administration and management of such Breeding Fund.

Section 35. No Taxes in Addition to Fees. The State Wagering Fee, the Commission Wagering Fee and any other fees imposed by this Act on pari-mutuel wagering shall be in lieu of all license and excise taxes imposed on horse racing and pari-mutuel wagering thereon by the State or any county, municipality or other political subdivision thereof; provided, however, that this section shall not be construed to confer any exemption with respect to any uniform taxes levied generally on property, income or business activity, including, without limitation, (i) income taxes levied by the State, (ii) occupational taxes levied on wages by a Sponsoring Municipality or Host County, (iii) ad valorem taxes levied on any racing facility at the same rates as are applicable to other commercial property having comparable market value, and (iv) state and local sales taxes on merchandise sold by Operators or their concessionaires at racing events.

Section 36. Application of Net Revenues. All commission wagering fees and other fees, commissions and moneys, including fines and forfeitures, to which a Commission shall be entitled under the provisions of

this Act shall be paid to the treasurer of such Commission and shall be deposited by said treasurer to the account of such Commission. All such moneys remaining after (i) the payment of all expenses incurred in the administration of this Act, including (without limitation thereto) the payment of the salaries and expenses of the Members and employees of such Commission and (ii) the deposit into the Breeding Fund of all amounts required by Section 34 hereof to be deposited therein shall be allocated and paid not less frequently than once each calendar year as follows:

(1) eighteen percent (18%) of the Net Revenues shall be allocated to the Sponsoring Municipality, subject to the condition that five percent (5%) of the amount so allocated shall be contributed to the general employees' pension fund of the Sponsoring Municipality for the purpose of providing cost-of-living increases in pension benefits;

(2) ten percent (10%) of the Net Revenues shall be allocated in total to the county or counties in which the Sponsoring Municipality or any part thereof shall be located, subject to the conditions that

(i) if the Sponsoring Municipality is located in more than one county, the portion of the said ten percent of Net Revenues allocated to each such county shall be determined in proportion to the population of the Sponsoring Municipality residing in such county as determined by the most recent federal decennial census,

(ii) one-half of the amount of Net Revenues allocated to any county shall be used for county-wide purposes (including both incorporated and unincorporated areas) in such manner as shall be determined by the governing body of such county, and

(iii) one-half of the amount of Net Revenues allocated to any county shall be used to defray the cost of governmental operations conducted in the unincorporated parts of such county or shall otherwise be used for the exclusive benefit of the unincorporated parts of such county in such manner as shall be determined by the governing body thereof;

(3) if the Board of Trustees of the University of Alabama operates a college, graduate school, extension center or other educational facility located in any county in which the Sponsoring Municipality or any part thereof shall be located, nine percent (9%) of the Net Revenues shall be allocated to the Board of Trustees of the University of Alabama, subject to the conditions that

(i) such amount shall be used exclusively in the county or counties in which the Sponsoring Municipality or any part thereof shall be located;

(ii) one twelfth (1/12) of the amount of Net Revenues allocated to the Board of Trustees of the University of Alabama shall be used for the support of any programs operated for the correction or treatment of learning disorders of any kind or research into the causes of such disorders, and if no such programs are operated by the Board of Trustees of the University of Alabama in the county or counties in which the Sponsoring Municipality or any part thereof shall be located, such portion of the Net Revenues shall be used in such county or counties for such other purposes or programs as may be determined by said Board of Trustees, and

(iii) one twelfth (1/12) of the amount of Net Revenues allocated to the Board of Trustees of the University of Alabama shall be used for the support of any programs or laboratories operated for research in virology, and if no such programs or laboratories are operated by the Board of Trustees of

the University of Alabama in the county or counties in which the Sponsoring Municipality or any part thereof shall be located, such portion of the Net Revenues shall be used in such county or counties for such other purposes or programs as may be determined by said Board of Trustees;

(4) three percent (3%) of the Net Revenues shall be allocated in total to public junior colleges [other than any public junior colleges described in paragraph (5) of this section] located in the county or counties in which the Sponsoring Municipality or any part thereof shall be located; and if there shall be more than one of such public junior colleges, the said three percent of the Net Revenues shall be apportioned equally among such colleges;

(5) two percent (2%) of the Net Revenues shall be allocated in total to public junior colleges which are located in the county or counties in which the Sponsoring Municipality or any part thereof shall be located and the student enrollment of which is predominantly drawn from economically disadvantaged minorities; and if there shall be more than one of such public junior colleges, the said two percent of the Net Revenues shall be apportioned equally among such colleges;

(6) two percent (2%) of the Net Revenues shall be allocated in total to public technical colleges located in the county or counties in which the Sponsoring Municipality or any part thereof shall be located; and if there shall be more than one of such public technical colleges, the said two percent of the Net Revenues shall be apportioned equally among such colleges;

(7) two percent (2%) of the Net Revenues shall be allocated to any public corporation or authority which provides public transportation in an area including the Sponsoring Municipality;

(8) seventeen percent (17%) of the Net Revenues shall be allocated in total to all county, municipal, district or other public school systems operating primary and/or secondary schools in any county or counties in which the Sponsoring Municipality shall be located; and if there shall be more than one of such school systems, the said seventeen percent of the Net Revenues shall be allocated to such school systems in proportion to their average daily attendance during the most recently completed school year;

(9) if any incorporated municipalities other than the Sponsoring Municipality are located in the county or counties in which the Sponsoring Municipality or any part thereof shall be located, six percent (6%) of the Net Revenues shall be allocated in total to such other municipalities; and if there shall be more than one of such municipalities, the said six percent of the Net Revenues shall be allocated to such municipalities in proportion to their population as determined by the most recent federal decennial census;

(10) five and one-half percent (5-½ %) of the Net Revenues shall be allocated in total to (i) any public fire districts or volunteer fire departments organized and operating in unincorporated parts of the county or counties in which the Sponsoring Municipality or any part thereof shall be located and (ii) any municipal fire departments operated by municipalities that are located in the county or counties in which the Sponsoring Municipality or any part thereof shall be located and that have populations of one thousand (1,000) persons or less according to the most recent federal decennial census; and if there shall be more than one of such public fire districts, volunteer fire departments or municipal fire departments, the said five and one-half percent of the Net Revenues shall be allocated equally among such public fire districts, volunteer fire departments and municipal fire departments, with each thereof to receive an equal share, regardless of the number

of participating firemen, the extent of the territory or number of buildings protected, or any other measure of the relative sizes of such public fire districts, volunteer fire departments and municipal fire departments; provided, however, that if any Commission shall be created pursuant to this Act for which the Sponsoring Municipality shall be the City of Birmingham, then, and in such case, the five and one-half percent of the Net Revenues referred to in this paragraph (10) shall be allocated to one or more public fire districts, volunteer fire departments and municipal fire departments in Jefferson County on such basis and in such manner as shall be determined by a public agency or authority to be created pursuant to law enacted at the session of the Legislature at which this Act is enacted or at any subsequent session of the Legislature;

(11) two percent (2%) of the Net Revenues shall be allocated in total to any hospitals which are owned by any county, municipality or public corporation or authority and which are located in the county or counties in which the Sponsoring Municipality shall be located; and if there shall be more than one of such hospitals, the said two percent of the Net Revenues shall be allocated to such hospitals in proportion to their average patient census during the most recently completed annual period selected by the Commission for the purpose of making such allocation;

(12) one-half of one percent ($\frac{1}{2}\%$) of the Net Revenues shall be allocated in total to any public authority or corporation at any time created by law to alleviate or solve, or to assist in the alleviation or solution of, flooding problems caused by creeks in the Sponsoring Municipality and Host County as the result of heavy rainfall; and if no such authority or corporation shall be in existence at the time of any allocation required to be made pursuant to this paragraph (12), such allocation shall be made to the Sponsoring Municipality for use in alleviating or solving such flooding problems, provided that the Sponsoring Municipality may use such allocation for other purposes if its governing body shall determine that no such flooding problems occur in the Sponsoring Municipality;

(13) one percent (1%) of the Net Revenues shall be allocated to the Tannehill Furnace and Foundry Commission established pursuant to Code of Alabama 1975, §§ 41-9-320 through 41-9-330, inclusive;

(14) one-half of one percent ($\frac{1}{2}\%$) of the Net Revenues shall be allocated in total to the civil defense department at the time and from time to time maintained or administered by the Sponsoring Municipality;

(15) one percent (1%) of the Net Revenues shall be allocated to the Alabama State Fair Authority established pursuant to Act No. 215 enacted at the 1947 Regular Session of the Legislature of Alabama; and

(16) if and to the extent that the allocations of Net Revenues described in this paragraph can be lawfully made to recipients satisfying the applicable conditions as herein set forth, the Commission shall allocate and disburse the following percentages of the Net Revenues for the following purposes:

(i) three percent (3%) of the Net Revenues shall be allocated in total to private, not-for-profit colleges which are located outside the corporate limits of the Sponsoring Municipality in any incorporated or unincorporated part of any county in which the Sponsoring Municipality or any part thereof shall be located and the student enrollment of which is predominantly drawn from economically disadvantaged minorities;

(ii) three percent (3%) of the Net Revenues shall be allocated in total

to private, not-for-profit law schools which are located outside the corporate limits of the Sponsoring Municipality in any incorporated or unincorporated part of any county in which the Sponsoring Municipality or any part thereof shall be located and the student enrollment of which is predominantly drawn from economically disadvantaged minorities, it being expressly provided that the receipt by a college of any amount pursuant to the provisions of subparagraph (i) of this paragraph (16) shall not disqualify any law school affiliated with such college from receiving any amount for which such law school would otherwise qualify pursuant to the provisions of this subparagraph;

(iii) one-half of one percent ($\frac{1}{2}\%$) of the Net Revenues shall be allocated in total to private, not-for-profit colleges which are located in the Sponsoring Municipality and the student enrollment of which is predominantly drawn from economically disadvantaged minorities;

(iv) one percent (1%) of the Net Revenues shall be allocated in total to not-for-profit organizations, whether public or private, which operate in any county in which the Sponsoring Municipality or any part thereof shall be located and which promote, undertake or otherwise assist the career orientation, training and employment of persons belonging to economically disadvantaged minorities;

(v) one percent (1%) of the Net Revenues shall be allocated in total to not-for-profit organizations, whether public or private, that are located in the Sponsoring Municipality and that promote economic development in the Sponsoring Municipality and the surrounding metropolitan area;

(vi) five percent (5%) of the Net Revenues shall be allocated in total to private not-for-profit hospitals located in the Sponsoring Municipality that primarily provide care for children;

(vii) one percent (1%) of the Net Revenues shall be allocated in total to not-for-profit organizations, whether public or private, which are located in any county in which the Sponsoring Municipality or any part thereof shall be located and which sponsor, promote or conduct research and education related to the cure or control of sickle cell anemia or provide treatment or other aid for victims of that disease;

(viii) subject to the provisions of subparagraph (ix) of this paragraph (16), one and one-half percent ($1\frac{1}{2}\%$) of the Net Revenues shall be allocated in total to not-for-profit organizations (including any particular branch thereof) which are located in the Sponsoring Municipality (including, without limitation thereto, organizations such as the Young Men's Christian Association and the Young Women's Christian Association) and which provide educational and recreational activities for young persons predominantly belonging to economically disadvantaged minorities;

(ix) the provisions of subparagraph (viii) of this paragraph (16) to the contrary notwithstanding, if any Commission shall be created pursuant to this act for which the Sponsoring Municipality shall be the City of Birmingham, then, and in such case, one-half of one percent ($\frac{1}{2}\%$) of the Net Revenues of such Commission shall be deducted from the amount to be allocated pursuant to the said subparagraph (viii) and shall instead be allocated to Partners in Neighborhood Growth for use in providing recreational or educational activities for young persons;

(x) one and one-half percent ($1\frac{1}{2}\%$) of the Net Revenues shall be allocated in total to not-for-profit organizations (including particularly any research development and scholastic assistance fund), whether public or pri-

vate, which are located in any county in which the Sponsoring Municipality or any part thereof shall be located and which promote and encourage scientific or technical research or education at the secondary and college levels by any means, including (without limitation thereto) financial assistance to schools and students, the development of improved curricula, and the training of teachers; provided, however, that if any Commission shall be created pursuant to this Act for which the Sponsoring Municipality shall be the City of Birmingham, then, and in such case, the one and one-half percent of the Net Revenues of such Commission referred to in this subparagraph (x) shall be allocated in its entirety to the Research, Development and Scholastic Assistance Fund for Science and Technology, Inc., a private, not-for-profit corporation organized under the laws of Alabama;

(xi) one percent (1%) of the Net Revenues shall be allocated to the local chapter or affiliate of The National Urban League that is based in the Sponsoring Municipality;

(xii) one percent (1%) of the Net Revenues shall be allocated to the local chapter or affiliate of the United Cerebral Palsy Association, Inc. that is based in the Sponsoring Municipality;

(xiii) one-half of one percent ($\frac{1}{2}\%$) of the Net Revenues shall be allocated in total to private, not-for-profit organizations which are located in the Sponsoring Municipality and which sponsor and promote ballet and similar forms of the art of dance by any means, including the training of dancers and the giving of performances; and

(xiv) one-half of one percent ($\frac{1}{2}\%$) of the Net Revenues shall be allocated in total to not-for-profit organizations which are located in the Sponsoring Municipality and which assist and coordinate the activities of artists or groups of artists which perform or display their works within the Sponsoring Municipality.

Except as may herein be specifically provided otherwise, if there shall at any time exist more than one institution or organization which qualifies for a portion of any generic allocation of Net Revenues made pursuant to any of subparagraphs (i) through (xiv), inclusive, of paragraph (16) of this section, then, and in such case, a Commission shall apportion such allocation among all institutions or organizations which evidence to such Commission (in such manner as it shall reasonably require) their respective qualifications to receive a portion of such allocation. Any such allocation shall be apportioned among the qualifying institutions and organizations of each generic category in an equitable manner to be determined by the Commission, taking into account the relative scale of activities of each qualifying institution or organization, the number of persons served thereby or other relevant factors. A Commission shall have reasonable discretion in determining whether, in the light of the legislative intent, a particular institution or organization shall be entitled to an allocation of any portion of the Net Revenues pursuant to the provisions of this section.

A Commission and the individual Members thereof shall be fully protected against any charge of malfeasance in relying upon an opinion of the Attorney General of the State of Alabama that a portion of the Net Revenues may be lawfully allocated and paid to any institution or organization pursuant to any of the provisions of paragraph (16) of this section, unless a court of competent jurisdiction shall declare invalid the allocation of Net Revenues to any such institution or organization.

If any allocation of any portion of the Net Revenues pursuant to any

provision of this section cannot be made for any reason (including, without limitation thereto, the legal invalidity of the provisions of this Act authorizing such allocation, lack of lawful authority by a Commission to make such allocation, the nonexistence of any public body or any public or private institution or organization entitled to receive such allocation, or any other failure to satisfy the conditions of such allocation), then, and in such case, the failure of such allocation shall not impair the validity or effectiveness of any part of this Act other than the provisions hereof specifically providing for such allocation, nor shall the failure of such allocation adversely affect any other allocation of Net Revenues under this Act. Any portion of the Net Revenues that, for any reason, cannot be allocated in accordance with the specific provisions of any of paragraphs (1) through (16) of this section shall be apportioned among those governmental bodies, institutions and organizations actually receiving lawful allocations hereunder in proportion to the respective amounts of Net Revenues which would have been allocated to such governmental bodies, institutions and organizations if there had been no need to reallocate any Net Revenues that could not be allocated in accordance with the specific provisions of said paragraphs (1) through (16).

It is hereby expressly declared that the primary purpose of this Act is to provide a means for permitting and regulating horse racing and pari-mutuel wagering thereon in Class 1 municipalities and, further, that it is not a primary purpose of this Act to provide funds for the various governmental bodies and public or private institutions and organizations to which allocations of portions of the Net Revenues of each Commission are made pursuant to this section. The Legislature recognizes that one or more of such governmental bodies, institutions or organizations may not exist in the Sponsoring Municipality or in the surrounding county or counties, as the case may be, and that, even if the intended recipients do exist and satisfy the applicable conditions, any one or more of such allocations of the Net Revenues may fail because of legal invalidity or other reasons. The allocations of Net Revenues made pursuant to this section represent the legislative effort to confer an incidental benefit upon a wide spectrum of governmental and charitable activities, all of which may not be present in the same degree in every Class 1 municipality subject to this Act. Therefore, the legal invalidity or other failure of one or more allocations of Net Revenues made pursuant to this section should not impair the general validity of this Act or prevent the provisions hereof, other than those relating to the invalid or ineffective allocations, from being implemented as a coherent whole. If and to the extent that any allocation of Net Revenues made to any governmental body or any institution or organization is of such character as to cause this Act to be a local act, it is the legislative intent that the provisions for such allocation be severed from this Act and thereby prevented from causing this Act to be a local act.

Section 37. Conducting Race Without License and Wagering Thereon Prohibited. Any person who directly or indirectly holds any horse race without having procured a license as prescribed in this Act, shall be guilty of a misdemeanor. Any person wagering upon the results of such a race, except in the case of pari-mutuel wagering conducted by an Operator in accordance with the provisions of this Act, shall be guilty of a misdemeanor. Upon conviction of any of the above misdemeanors in a court of competent jurisdiction, the penalty shall be a fine of not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1,000), or imprisonment of not less than five days nor more than six months, or both, such fine and imprisonment to be in the discretion of the court.

Section 38. Disqualification Due to Gambling Activities. No

person who engages in the practice of professional gambling on horse races, or in the practice of making gambling or wagering books on such races, or who knowingly takes any part in such practice, shall be eligible as an applicant for any license or permit to own or operate a racetrack or conduct racing activities under the provisions of this Act, or to be connected therewith in any capacity, and any corporation, partnership or other entity which has an officer, director, stockholder, partner or executive or who employs any person who engages in such practices shall likewise be ineligible as a licensee, and each Commission is hereby empowered to inquire into such matters in entertaining any such application and otherwise in administering this Act.

Section 39. Tampering with Horses Prohibited. No person shall influence or have any understanding or connivance with any owner, trainer, jockey, driver, groom or other person associated or interested in any stable, horse or race in which any horse participates, to prearrange or predetermine the results of any such race, nor shall any person stimulate or depress a horse, for the purpose of affecting the results of a race, by use of any electrical device or any electrical equipment or by any mechanical or other device not generally accepted as regulation racing equipment, nor shall any person stimulate or depress a horse through the administration of any drug or chemical, or knowingly enter any horse in any race within a period of twenty-four hours after any drug or chemical has been administered to such horse, for the purpose of increasing or retarding the speed of such horse.

No person shall, except for medical purposes, administer any poison, drug, medicine or other substance to any horse entered or about to be entered in any race, or expose such substance to a horse with the intent that it be taken, or cause any foreign substance to be taken by or placed upon or in the body of such horse, with intent to impede or increase its speed, endurance, health or physical or mental condition.

Any person violating the provisions of this section shall be guilty of a felony and, upon conviction thereof, shall be imprisoned for not less than one year nor more than ten years, or fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), or both, in the discretion of the court.

Section 40. Transmission of Racing Information Prohibited. With the exception of television or radio coverage of races authorized in accordance with Section 32 of this Act, it shall be unlawful for any person to transmit or communicate to another by any means whatsoever the results, changing odds, track conditions, or other information relating to any horse race from any racetrack in any Sponsoring Municipality between the period of time beginning one hour prior to the first race of the day and ending thirty (30) minutes after the posting of the official results of each race, as to that particular race, except this period may be reduced to permit the transmitting of the result of the last race each day not sooner than fifteen (15) minutes after the official posting of such results; provided, however, that each Commission may by rule permit the immediate transmission by radio, television (other than television or radio coverage pursuant to Section 32 hereof), or press wire of any pertinent information concerning feature races.

It shall be unlawful for any person to transmit by any means whatsoever racing information to any other person or relay the same to any other person by word of mouth, by signal, or by use of telephone, telegraph, radio or any other means when the information is knowingly used or intended to be used for illegal gambling purposes or in furtherance of such gambling purposes.

Any person violating the provisions of this section shall be guilty of a felony and, upon conviction, shall be imprisoned for not less than one year nor more than ten years, or fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), or both, in the discretion of the court.

Section 41. Possession of Certain Drugs Prohibited. The possession or transportation of any drug or chemical except those permitted by regulations of the appropriate Commission within the racing enclosure is prohibited except upon a bona fide veterinarian's prescription with complete statement of uses and purposes on the container. A copy of such prescription shall be filed with the stewards.

Section 42. Misuse of License. Any credential, license or permit issued by a Commission, if used by the holder thereof for a purpose other than identification and in the performance of legitimate duties on a racetrack, shall be automatically revoked whether so used on or off a racetrack.

Section 43. Racing under Unregistered Name Prohibited. No person shall knowingly enter or race any horse in any running or harness race under any name or designation other than the name or designation assigned to such horse by and registered with the Jockey Club, the United States Harness Association or other applicable association or knowingly instigate, engage in or in any way further any act by which any horse is entered or raced in any running or harness race under any name or designation other than the name or designation duly assigned by and registered with the Jockey Club, the United States Harness Association or other applicable association.

Section 44. Wagering by Underage Persons Prohibited. No person shall wager on or conduct any wagering on the outcome of a horse race pursuant to the provisions of this Act unless such person be twenty-one years of age or older. No person shall accept any wager from a person under the age of twenty-one years.

Section 45. Exemption from Jurisdiction of State Racing Commission. In the event that a State Racing Commission shall be created, organized or established at any time, whether before or after the effective date of this Act, each Commission created hereunder and all Owners and Operators licensed thereby shall be exempt from the jurisdiction of such State Racing Commission and from the force and effect of all laws providing for or relating to such State Racing Commission for a period beginning with the effective date of this Act and continuing until the fifth (5th) anniversary of the date on which racing events shall first be conducted under the jurisdiction of such Commission created hereunder. It is hereby expressly declared that no act enacted at the session of the Legislature during which this Act is enacted or at any subsequent session shall be construed to effect a repeal or negation of the exemption conferred by this section, whether by implication or otherwise, in the absence of a provision in such act expressly repealing the provisions of this section.

Section 46. Severability. The provisions of this Act are expressly declared to be severable. If any provision of this Act shall be adjudged to be invalid by any court of competent jurisdiction (including, without limitation thereto, any particular allocation of Net Revenues or other provision which, if not severed from this Act, would cause it to be a local act in violation of any constitutional limitation or condition applicable to local acts), such provision shall be severed from this Act in order to effectuate the legislative intent that such judgment shall not affect, impair or invalidate the remain-

der of this Act, and the operation of such judgment shall be limited to the provision thereof directly involved in the action in which such judgment shall have been rendered.

Section 47. Provisions of this Act Control. Insofar as the provisions of this Act may be inconsistent with the provisions of any other law concerning activities and actions authorized by this Act, the provisions of this Act shall control, it being specifically declared that any other provisions of existing law that prohibit or regulate horse racing, gambling or parimutuel wagering shall not be applicable to any activities or actions authorized by this Act.

Section 48. Section Captions. The section headings or captions contained in this Act are included for convenience only and should not be considered a part of this Act or affect in any manner the construction or interpretation of this Act.

Section 49. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

The Standing Committee on Local Legislation No. 2 then reported the following amendments to the substitute for the Bill, H. B. 13, to-wit:

AMENDMENT TO SUBSTITUTE FOR H. B. 13

On line 5 page 9 Amend House Bill 13 by striking the words mayor or other chief executive officer of the sponsoring municipality and insert in lieu thereof the following words "the Lieutenant Governor of the State". On page 10 lines 3 and 4 Strike the words "the mayor or other chief executive officer of the Sponsoring Municipality" and insert in lieu thereof "the Lieutenant Governor of the State". Wherever the phrase "the mayor or chief executive officer of the Sponsoring Municipality" appears in this bill, strike these words and add in lieu thereof the phrase "the Lieutenant Governor of the State".

Also:

AMENDMENT TO SUBSTITUTE FOR H. B. 13

Amend the Substitute for Substitute for H. B. 13 on page 53, line 23, by inserting therein the following new paragraph, and renumbering Section 47, as 48; Section 48 as 49; and Section 49 as 50:

"Section 47. That in the event the Lieutenant Governor of the State is unable to make the appointment as intended because of operation of law or for any other reason, then the mayor or other chief executive officer of the sponsoring municipality shall make the appointment designated herein for the Lieutenant Governor."

On motion of Senator Hilliard, said committee substitute and committee amendments were laid on the table.

NOTICE IN WRITING

Senator Denton offered the following Notice in Writing, to-wit:

NOTICE IN WRITING

Notice is hereby given that on the next legislative day a motion will be made to amend the Senate Rules as follows:

"RULE 15. (1) Bills on third reading postponed to a day certain shall

take precedence of other bills on third reading on such day, and from day to day thereafter until disposed of. Priority of postponed bills shall be in the order of their postponement.

“(2) Any bill providing for or dealing with pari-mutuel betting shall be treated as a general bill.”

Which was read and ordered spread upon the Journal.

FURTHER CONSIDERATION OF H. B. 13

The Senate proceeded to further consideration of the Bill, H. B. 13.

Senator Hilliard offered the following substitute for the Bill, H. B. 13, to-wit:

SUBSTITUTE FOR H. B. 13

A BILL TO BE ENTITLED AN ACT

To make certain legislative findings regarding horse racing and pari-mutuel wagering thereon in Class 1 municipalities (now defined by statute to be cities with a population of 300,000 inhabitants or more as certified by the 1970 federal decennial census); to define the particular terms used in the substantive provisions of this Act; to authorize the creation of a racing commission in any Class 1 municipality; to provide for a referendum of the voters of any Class 1 municipality on the question of whether this Act will become effective in such municipality; to provide that horse racing and pari-mutuel wagering thereon shall be lawful in any Class 1 municipality in which a racing commission shall be incorporated pursuant to the provisions of this Act; to provide for the designation or appointment and the terms of office of the members and officers of any such racing commission; to provide for and authorize the incorporation of any such racing commission upon the filing by the members thereof of an application with the Secretary of State; to specify the general powers and duties of any such racing commission, including the power to adopt rules and regulations governing diverse aspects of horse racing, the exposure of the public thereto, and the conduct of pari-mutuel wagering thereon; to provide for the issuance by any such racing commission of licenses for owners and operators of racing facilities; to prescribe the methods for applying for such licenses, the manner in which such applications are to be reviewed by any such racing commission, and the terms and conditions upon which such licenses shall be granted and held; to provide for the suspension or revocation of any such license; to provide for the issuance by any such racing commission of permits to companies and individuals engaged in certain activities related to horse racing; to prescribe the method for applying for such permits and the manner in which such applications are to be reviewed by any such racing commission; to provide for the suspension or revocation of any such permit; to authorize and provide rules for the conduct of pari-mutuel wagering on horse racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools which are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of license fees for pari-mutuel wagering by each licensed operator to the state and to the racing commission licensing such operator and to specify the methods for determining the amounts of such fees and the schedule on which such fees shall be payable; to authorize any such racing commission to make rules and regulations under which television or radio coverage of racing events held outside the state may be

transmitted to racing facilities governed by such racing commission and made the subject of pari-mutuel wagering under the provisions of this Act; to authorize any such racing commission to make rules and regulations under which television or radio coverage of racing events held at racetracks under the jurisdiction of such commission may be transmitted for the entertainment of the public or for the purpose of pari-mutuel wagering at locations outside the state; to provide that a specified percentage of total pari-mutuel wagering revenues shall be used for purses to be paid to the owners of horses competing in races; to provide for the establishment by each racing commission of a special fund for the purpose of promoting the breeding, raising and racing of thoroughbred and standardbred horses in the state, to specify the source and amounts of moneys for such fund, to specify certain purposes for which the moneys in such fund shall be used, and to authorize such racing commission to make rules and regulations for the administration of such fund and the disbursement of moneys therefrom; to specify the purposes for which the net revenues of each racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to prohibit certain activities related to racing events; to provide that certain prohibited activities constitute crimes and to specify the penalties therefor; in the event that a state racing commission shall be established pursuant to any act enacted before or after the effective date of this Act, to provide in such event that any municipal racing commission created under this Act and its licensees shall be exempt from the jurisdiction of such state racing commission and from all laws providing for or relating to such state racing commission for a period beginning with the effective date of this Act and continuing until the fifth anniversary of the date on which racing events shall first be conducted under the jurisdiction of such municipal racing commission; to provide that pari-mutuel wagering with respect to horse racing may not be conducted in any Class 1 municipality within the state unless approved at a referendum at which all of the qualified voters residing in the county or counties in which such municipality, or any part thereof, is located are permitted to cast votes; to provide that the provisions of this Act shall be severable; to provide that this Act shall govern in the event of a conflict between its provisions and existing laws; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise horse racing and pari-mutuel wagering thereon in Class 1 municipalities.

Be It Enacted By the Legislature of Alabama:

Section 1. Legislative Findings. It is hereby found and declared as follows: the conduct within Class 1 municipalities in the State of horse racing events and pari-mutuel wagering thereon will generate additional revenues for governmental and charitable purposes, provide additional jobs for the residents of the State and benefit the businesses related to tourism and recreation within any such municipality and throughout the surrounding areas of the State; it is desirable to permit the qualified voters of any Class 1 municipality to determine through referendum whether horse racing and pari-mutuel wagering thereon will be permitted in such municipality; and for each Class 1 municipality in which horse racing is approved by the voters thereof, it is necessary and desirable to provide for the establishment of a racing commission to regulate horse racing and pari-mutuel wagering thereon within such municipality and to administer and enforce the provisions of this Act.

Section 2. Definitions and Use of Phrases. (a) The following words and phrases used in this Act, and others evidently intended as the

equivalent thereof, shall, unless the context clearly indicates otherwise, have the following respective meanings herein:

"Alabama-Bred", when used with reference to a thoroughbred horse or a standardbred horse, means a horse which is registered in the registry designated and administered by a Commission in accordance with such rules concerning domicile and registration requirements as may be established by such Commission and which is either (i) foaled from a mare domiciled in the State during the seven-year period beginning with the effective date of this Act or (ii) sired by an Alabama Stallion and foaled from a mare domiciled in the State at any time after the expiration of such seven-year period.

"Alabama Stallion", when used with reference to a thoroughbred stallion or a standardbred stallion, means a stallion which is standing in the State at the time he is bred to the dam of an Alabama-Bred horse, which is registered with a Commission, and which is alternatively (i) owned by a resident of the State and standing the entire stud season in the State, (ii) owned by a resident of another state but standing the entire stud season in the State and leased by a resident of the State for a term of not less than two years or (iii) owned jointly by a resident of the State together with a resident of another state and leased by a resident of the State for a term of not less than two years. For purposes of this definition, a resident of the State may be any one of the following: (1) a natural person whose principal residence is located in the State; (2) a natural person who does not maintain his or her principal residence in the State but who personally owns, singly or jointly with his or her spouse, real property located in the State that has an original cost to such person or a current fair market value of not less than \$100,000; or (3) a corporation or partnership which has its principal place of business in the State and more than fifty percent of the stock or other ownership interest in which is owned by natural persons described in clause (1) or (2) of this sentence. The Commission with which any Alabama Stallion may be registered shall have the power to prescribe rules and regulations governing the manner by which the qualifications of a resident shall be confirmed to such Commission for purposes of this definition.

"Breakage" means the odd cents by which the amount payable on each dollar wagered exceeds a multiple of ten cents.

"Breeder" means the owner of a mare at the time such mare gives birth to an Alabama-Bred thoroughbred or standardbred foal.

"Breeding Fund" means a special fund established by a Commission pursuant to the provisions of Section 34 of this Act and any applicable rules and regulations of such Commission for the purpose of promoting the breeding, raising and racing of thoroughbred or standardbred horses in the State.

"Breeding Fund Fee" means a fee payable to a Commission by an Operator pursuant to Section 34 of this Act for deposit into the Breeding Fund established by such Commission.

"Commission" means any public corporation organized pursuant to the provisions of this Act.

"Commission Wagering Fee" means a license fee payable to a Commission by an Operator for a particular calendar year, the amount and payment schedule of which are to be determined in accordance with the provisions of Section 30 hereof.

"Handle", when used with reference to any specified period of time,

means the total amount deposited in all of the pari-mutuel pools originated by an Operator during such period of time.

"Host County" means any county in which a Sponsoring Municipality is located. With respect to a Sponsoring Municipality located in more than one county, "Host County" means the county in which the largest number of residents of the Sponsoring Municipality reside, as determined by the most recent federal decennial census.

"Host County House Delegation" means, with respect to a Host County, the members of the House of Representatives of the Legislature of Alabama from those representative districts which are located entirely within such Host County.

"Host County Senate Delegation" means, with respect to a Host County, the members of the Senate of the Legislature of Alabama from those senatorial districts which are located entirely within such Host County.

"Member" means a member of a Commission.

"Net Revenues" means all fees (other than Breeding Fund Fees), commissions and other moneys received by a Commission and remaining after the payment of all expenses incurred in the administration of this Act. This term does not include any State Wagering Fees, which are required to be paid by an Operator directly to the State.

"Operator" means a corporation licensed by a Commission to conduct horse racing events and pari-mutuel wagering thereon in accordance with the provisions of this Act.

"Owner" means a corporation, partnership or other business entity licensed by a Commission to own a racing facility in accordance with the provisions of this Act.

"Person", whether or not appearing as a capitalized term, means any natural person, corporation, partnership, joint venture, trust, government or governmental body, political subdivision or other legal entity as in the context may be possible or appropriate.

"Sponsoring Municipality" means any municipality for which a Commission shall be created in accordance with the provisions of this Act.

"Stallion Owner" means the owner of a stallion standing in the State at the time he was bred to the dam of an Alabama-Bred thoroughbred or standardbred horse.

"State" means the State of Alabama.

"State Racing Commission" means any department, agency or instrumentality of the State, whether or not constituting a corporate entity separate from the State, that may at any time, whether before or after the effective date of this Act, be created, organized or established for the purpose, among other purposes, of licensing, regulating or supervising horse racing and pari-mutuel wagering thereon.

"State Wagering Fee" means a license fee payable to the State by an Operator, the amount and payment schedule of which are to be determined in accordance with the provisions of Section 29 hereof.

(b) The words "herein", "hereby", "hereunder", "hereof" and other equivalent words refer to this Act as an entirety and not solely to the particular section or portion thereof in which any such word is used. The defini-

tions set forth herein shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.

Section 3. Authorization of Commissions. A Commission is authorized to be created in accordance with the provisions of this Act for each Class 1 municipality, as Class 1 municipality is defined in Code of Alabama 1975, § 11-40-12 or any successor provision of law. Any Commission created for any Sponsoring Municipality pursuant to the provisions of this Act shall be named "The _____ (the name of the Sponsoring Municipality shall be inserted in the blank) Racing Commission" and shall be a public corporation having a legal existence separate and apart from the State and any county, municipality or political subdivision thereof. A Commission shall be vested with the powers and duties specified in this Act and all other powers necessary and proper to enable it to execute fully and effectively the purposes of this Act. Immediately upon the incorporation of a Commission in accordance with the provisions of this Act, horse racing and pari-mutuel wagering thereon conducted in the Sponsoring Municipality in accordance with the provisions of this Act shall be lawful, notwithstanding any other provision of law to the contrary.

Notwithstanding any provisions hereof which connect the State with the creation and control of a Commission, any Commission incorporated pursuant to the provisions of this Act shall not be deemed to be part of the State for any purpose, but shall be treated as a public corporation and body politic separate and apart from the State. Except for the State Wagering Fee, all fees, commissions and other moneys which a Commission shall be authorized by this Act to charge, levy or receive shall be deemed to be moneys belonging exclusively to such Commission, and no allocation or payment of such moneys authorized or mandated by this Act shall be considered to be an appropriation of moneys belonging to or controlled by the State.

Notwithstanding any provisions hereof which connect a Commission with its Sponsoring Municipality, the Host County or any other county or municipality [including, without limitation thereto, the provisions of Section 4 hereof regarding a referendum in the Sponsoring Municipality to approve the incorporation of a Commission and the provisions of Section 5 hereof providing for (i) the mayor or other chief executive officer of the Sponsoring Municipality to serve *ex-officio* as one Member of a Commission and (ii) the president or other designated presiding officer of the county commission of the Host County to serve *ex-officio* as one Member of a Commission], any Commission incorporated pursuant to the provisions of this Act shall not be deemed to be a local agency or instrumentality of the Sponsoring Municipality or the Host County, but shall be treated as a public corporation and body politic having rights, powers and duties which, to the extent herein specified, shall be effective without reference to the rights, powers, duties and territories of the Sponsoring Municipality and the Host County. Except for the State Wagering Fee, all fees, commissions and other moneys which a Commission shall be authorized by this Act to charge, levy or receive shall be deemed to be moneys belonging exclusively to such Commission, and the Sponsoring Municipality and the Host County shall have no interest therein except to the limited extent expressly provided by this Act.

Section 4. Referendum to Approve Commission. The governing body of any Class 1 municipality shall call and provide for holding a referendum for the purpose of determining if a Commission shall be incorpo-

rated for such municipality pursuant to this Act. The initial referendum shall be held not less than forty-five (45) days nor more than ninety (90) days after the effective date of this Act and shall be advertised, held, conducted and the results thereof canvassed and declared in the manner provided by law for advertising, holding, conducting and canvassing other municipal elections and as said governing body shall provide in the resolution or ordinance calling such election. The question to be voted on shall be stated on the ballots or voting machine tags substantially as follows:

"Do you favor the authorization of horse racing and pari-mutuel wagering thereon in the City of _____ (insert the name of the municipality) and the creation of a racing commission for said city to license, regulate and supervise horse racing and pari-mutuel wagering thereon as provided in Act No. _____ [insert act number] adopted at the _____ [insert session identification] Session of the Legislature of Alabama?"

If the majority of the votes cast in any referendum are "Yes", this Act shall become operative with respect to the municipality conducting such referendum, and horse racing and pari-mutuel wagering thereon shall be legal in such municipality as and to the extent conducted in accordance with the provisions of this Act; if the majority of the votes cast in such election are "No", this Act shall have no further effect with respect to such municipality, unless the governing body thereof should later call another referendum. One or more subsequent referenda may be called by the governing body of a Class 1 municipality if the question submitted at the initial or any subsequent referendum fails to receive a majority of favorable votes; provided, however, that not more than one referendum may be called by any municipality in each calendar year. Once authorized and incorporated, a Commission may not be dissolved except pursuant to general act of the Legislature of Alabama applicable to such Commission. The results of any referendum conducted for a Class 1 municipality pursuant to this act shall be certified to the Secretary of State, within thirty (30) days after the election returns are canvassed, by the officer then authorized by law to certify proceedings taken by the election commission, board of canvassers or other body then required by law to canvass and declare the results of elections held in such municipality.

Section 5. Members of Commission. (a) Every Commission shall have five members, which shall constitute its governing body. All powers of a Commission shall be exercised by its Members or pursuant to their authorization. The mayor or other chief executive officer of the Sponsoring Municipality and the president or other designated presiding officer of the county commission of the Host County shall each serve as a Member ex-officio, and the service of each such official as a Member shall begin and end concurrently with the beginning and ending of his or her tenure in such office. The other three Members shall be appointed in the manner hereinafter prescribed as soon as may be practicable after the certification to the Secretary of State of a favorable vote at a referendum called and held pursuant to Section 4 of this Act. The Lieutenant Governor of the State, the Host County House Delegation and the Host County Senate Delegation shall each appoint one Member; provided, however, that the provisions of this Act conferring upon the Lieutenant Governor of the State the power to appoint one Member of each Commission are hereby expressly declared to be severable from the other provisions of this Act, and if the provisions conferring such power upon the Lieutenant Governor shall be determined by any court of competent jurisdiction to be invalid because of any defect in the notice required to be published with respect to this Act by Sections 106 and 110 of the Constitution of Alabama, as amended, or to be invalid for

any other reason, such determination shall not affect, impair or invalidate the remaining provisions of this Act, and in such case, the mayor or other chief executive officer of the Sponsoring Municipality shall have the right to appoint the Member of each Commission that, absent such determination, would have been appointed by the Lieutenant Governor, all subject to the same terms and conditions herein that would be applicable to an appointment made by the Lieutenant Governor. The appointments of Members by the Host County House Delegation and the Host County Senate Delegation shall be made at meetings of the members of the respective delegations held pursuant to the call of the mayor or other chief executive officer of the Sponsoring Municipality, who shall provide the members of each delegation with written notice of any such meeting at least ten (10) days prior to the date set therefor. All meetings of the Host County House Delegation or the Host County Senate Delegation called and held pursuant to this Act shall be open to the public. Any appointment of a Member by the Host County House Delegation or the Host County Senate Delegation must be approved by a majority of the members of such delegation voting in person at a public meeting called and held pursuant to this Act. Any meeting of the Host County House Delegation or the Host County Senate Delegation at which fewer than a majority of the members of such delegation are present, or at which no appointment of a Member is made because of a failure to obtain the approval of a majority of the members of such delegation, may be adjourned to a future time and place announced at such meeting; provided that, if either delegation fails to appoint a Member within thirty (30) days of the date of the first meeting called for the purpose of such appointment, the right of such delegation to appoint a Member shall terminate and such appointment shall be made as soon thereafter as practicable by the mayor or other chief executive officer of the Sponsoring Municipality.

(b) The Member to be appointed by the Lieutenant Governor of the State shall be appointed for a term beginning immediately upon his appointment and ending at noon at July 1 in the third calendar year next following the calendar year in which the referendum authorizing the incorporation of the Commission shall be conducted; the Member to be appointed by the Host County House Delegation shall be appointed for a term beginning immediately upon his appointment and ending at noon on July 1 in the fourth calendar year next following the calendar year in which the referendum authorizing the incorporation of the Commission shall be conducted; the Member to be appointed by the Host County Senate Delegation shall be appointed for a term beginning immediately upon his appointment and ending at noon on July 1 in the fifth calendar year next following the calendar year in which the referendum authorizing the incorporation of the Commission shall be conducted. Thereafter, the term of office of each appointed Member shall be five years, commencing at noon on the July 1 on which the term of the immediate predecessor Member shall end.

(c) If at any time there shall be a vacancy among the appointed Members of a Commission (i.e., those Members who do not serve *ex-officio*), a successor Member shall be appointed to serve for the unexpired term applicable to such vacancy. The appointment of each appointed Member (other than those initially appointed), whether for a full five-year term or to complete an unexpired term, shall be made by the officer or legislative delegation responsible for the appointment of the Member whose term shall have expired or is to expire or in whose position a vacancy otherwise exists and shall be made not earlier than thirty (30) days prior to the date on which such Member is to take office as such. If the term of any Member shall expire prior to the reappointment of such Member or prior to the appoint-

ment of his successor, such Member shall continue to serve until his successor is appointed, and if such Member is reappointed for a new term after the expiration of the immediately preceding term which he has been serving, his new term of office shall be deemed to have commenced at noon on the July 1 on which the immediately preceding term shall have expired. Members shall be eligible for reappointment without limit as to the number of terms previously served. In the event that any appointments are not made within sixty (60) days after the certification to the Secretary of State of a favorable vote at a referendum called and held pursuant to this Act (in the case of initial appointments), or within thirty (30) days of the end of a term or other vacancy, then a vacancy shall be filled or a successor Member appointed by a majority of the Members holding appointments already made or serving as *ex-officio* Members. Appointments shall be evidenced by a written certificate executed by the appointing official, or, in the case of appointments made by a majority of the other Members, by a certificate signed by the Members making such appointment, or, in the case of appointments made by a legislative delegation, by the members of the delegation voting for such appointment or by a member of the delegation designated to serve as the secretary of the meeting at which such appointment is made and to report the results thereof to the Secretary of State. The certificates evidencing the appointment of Members of a Commission shall be addressed and delivered to the Secretary of State, who shall maintain the originals of such certificates as official records in his office.

(d) Each appointed Member of any Commission shall have been a resident of the Host County for a period of at least five years prior to his or her appointment and shall, at the time of his or her appointment and at all times during his or her term of office, be a resident of the Host County and a qualified elector of the State, and a failure by any appointed Member to remain so qualified during such term of office shall cause a vacancy of the office of such Member. No person serving as a member of the Legislature of the State, serving as a member of the governing body of any municipality, county or other political subdivision of the State, or holding a full-time office or position of employment with the United States of America, the State, any county or municipality in the State, or any instrumentality, agency or subdivision of any of the foregoing, shall be eligible for appointment as a Member of a Commission. Service by any person as a member, director, trustee or other participant in the management or administration of any governmental agency, board or commission, or public educational institution, or other public body of the United States of America, the State, or any county or municipality or other political subdivision shall not render such person ineligible for appointment as a Member of a Commission unless such service constitutes full-time employment. Each appointed Member shall be of good moral character and shall never have been convicted of a felony or other offense involving moral turpitude. Each appointed Member of a Commission shall make and submit to the appointing officer or legislative delegation responsible for his or her appointment an affidavit confirming his or her qualifications, as set forth in the preceding provisions of this subsection (d), to serve as a Member of a Commission, which affidavit shall be filed with the Secretary of State along with the aforesaid certificate evidencing such appointment. Any appointed Member of a Commission who in such affidavit intentionally makes a false statement of material fact or intentionally fails to disclose any information necessary to make any statement of material fact made therein not misleading shall be guilty of perjury and shall be subject to prosecution and punishment therefor in the same manner as if he had committed perjury as a witness in open court.

(e) Any person who is an appointed Member of a Commission shall be deemed to vacate his or her office as such Member by (i) the acceptance of any office or employment which, had such person held such office or been so employed at the time of his or her appointment as a Member, would have rendered such person ineligible for appointment as a Member or (ii) the occurrence of any event or circumstance involving the character of such person which, had such event or circumstance occurred prior to the time of his or her appointment as a Member, would have precluded such appointment. Any appointed Member may be impeached and removed from office as a Member of a Commission in the same manner and on the same grounds provided in Section 175 of the Constitution of Alabama of 1901, or successor provision thereof, and the general laws of the State for impeachment and removal of the public officers subject to said Section 175 or successor provision thereof. The mayor or other chief executive officer of the Sponsoring Municipality and the president or other designated presiding officer of the county commission of the Host County may not be impeached and removed from office as a Member of a Commission apart from their impeachment and removal from the respective offices by virtue of which, ex-officio, they serve as Members.

Section 6. **Incorporation of Commission.** The five persons initially designated as Members of a Commission shall become a corporation with the power and authority provided in this Act by proceeding according to the provisions of this Act. To become a corporation, the persons so designated shall present to the Secretary of State an application signed by them which shall contain the following:

- (1) a statement that the applicants propose to incorporate a Commission pursuant to this Act;
- (2) the name and principal residence of each of the applicants;
- (3) the date on which each applicant who is not an ex-officio Member was appointed as a Member and the expiration date of the term for which he was appointed;
- (4) the term of office for each applicant who is an ex-officio Member;
- (5) the name of the proposed corporation, which shall be "The _____ [name of the Sponsoring Municipality] Racing Commission";
- (6) the location of the principal office of the proposed corporation, which shall be in the Sponsoring Municipality; and
- (7) any other matter relating to such Commission which the applicants may choose to insert and which is not inconsistent with this Act or the laws of the State.

The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the State to take acknowledgements to deeds. The Secretary of State shall examine the application, and if the Secretary of State finds that it substantially complies with the requirements of this section, he shall receive, file and record it in an appropriate book of records in his office.

When the application has been made, filed and recorded as herein provided, the applicants shall constitute a corporation under the name stated in the application, without the necessity of any further action under any other laws of the State applicable to the creation of corporations, and the Secretary of State shall make and issue to the applicants a certificate of incorporation pursuant to this Act, under the Great Seal of the State, and

shall record the certificate with the application. There shall be no fees paid to the Secretary of State for any work done in connection with the incorporation or dissolution of any Commission.

Section 7. General Provisions Respecting Members of a Commission. No Member shall vote on or participate in the discussion or consideration of any matter coming before a Commission in which he, his immediate family, or any business enterprise with which he is associated has any direct or indirect pecuniary interest; provided, however, that when any such matter is brought before a Commission, any Member having an interest therein which may be in conflict with his obligations as a Member shall immediately make a complete disclosure to such Commission of any direct or indirect pecuniary interest he may have in such matter prior to removing himself and withdrawing from the Commission's deliberations and vote on the matter presented. In furtherance, and not in limitation of the foregoing provision, no Member or employee of a Commission, and no spouse, child, parent, brother or sister of any such Member or employee, (i) shall have any financial interest, direct or indirect, in any horse racetrack or operation incidental thereto which is subject to the provisions of this Act, or in any entity which has submitted an application for a license under this Act, or in the operation of any wagering authorized under this Act or (ii) shall participate as owner of a horse or otherwise as a contestant in any race subject to the jurisdiction of a Commission or have any pecuniary interest in the purse or prize contested for in any such race. No appointed Member or officer of a Commission (e.g., any Member or officer of a Commission who does not serve as such by reason of his holding another office), no employee of a Commission, and no spouse, child, parent, brother or sister of any such appointed Member or officer or of any such employee, shall make, or cause to be made on his or her behalf, any contribution to any holder of any office of the State or any office of the Sponsoring Municipality or the Host County of such Commission or any contribution to any candidate for any such office.

The mayor or other chief executive officer of the Sponsoring Municipality and the president or other designated presiding officer of the county commission of the Host County shall perform the duties of Members of a Commission, ex-officio, without any compensation other than that to which they are respectively entitled as such municipal or county officers. Appointed Members of a Commission shall be entitled to such compensation for their services as the Commission shall from time to time provide by duly adopted resolution, provided that no appointed Member of a Commission shall receive more than \$100 for each day or part thereof spent in the performance of his duties. Each Member, whether appointed or serving ex-officio, shall be reimbursed for his or her reasonable expenses incurred in the performance of his or her duties as a Member of a Commission. The compensation and expenses of Members shall be paid out of the funds of a Commission in accordance with such rules as shall be from time to time adopted by such Commission. A majority of the Members of a Commission shall constitute a quorum for the transaction of business by such Commission, and, in the absence of a rule incorporated in the bylaws of a Commission that, in certain circumstances, may require the favorable vote of a designated percentage of all the Members of a Commission, decisions shall be made on the basis of a majority of the quorum then present and voting, with each Member to have a single vote. No vacancy in the membership of a Commission or the voluntary disqualification or abstention of any Member thereof shall impair the right of a quorum to exercise all of the powers and duties of the Commission.

Section 8. Officers of a Commission. The officers of a Commission shall consist of a chairman, vice chairman, executive secretary, treasurer and such other officers as the Commission shall deem necessary or appropriate. The chairman and vice chairman of a Commission shall be elected by the Commission from the membership thereof. The executive secretary shall be appointed as provided in Section 10 hereof. The principal financial officer of the Sponsoring Municipality of a Commission shall serve ex-officio as the treasurer of such Commission.

Section 9. Treasurer of a Commission; Investment of Funds of a Commission. The treasurer of a Commission shall collect all the fees, commissions and other moneys provided for in this Act, and shall supervise, check and audit the operation of the pari-mutuel wagering pools and the conduct and distribution thereof. The principal financial officer of a Sponsoring Municipality shall perform the duties of the treasurer of a Commission, ex-officio, without any compensation other than that to which he or she is entitled as the principal financial officer of such Sponsoring Municipality, but he or she shall be reimbursed for expenses actually incurred in the performance of his or her duties as treasurer of a Commission. All managerial, accounting and clerical personnel which the principal financial officer of a Sponsoring Municipality shall determine to be necessary to keep the books and records of a Commission created for such Sponsoring Municipality and to perform the audit and other financial functions for such Commission authorized or contemplated by this Act shall be employees of such Sponsoring Municipality and shall perform their duties under the supervision of such principal financial officer in his capacity as ex-officio treasurer of such Commission; provided, however, that the number, qualifications and compensation of personnel employed by such Sponsoring Municipality to perform all financial functions for such Commission shall be subject to the approval of such Commission, as well as to such other laws and regulations as may be applicable to such personnel as employees of such Sponsoring Municipality. Each Commission shall reimburse the Sponsoring Municipality for all costs and expenses incurred in the performance of all financial functions for such Commission, including a reasonable allowance for the time of the principal financial officer of such Sponsoring Municipality devoted to the business of such Commission as its ex-officio treasurer.

The funds of a Commission which its treasurer determines are not then needed to discharge its obligations or to make the disbursements provided for in Sections 34 and 36 hereof may be invested in such of the following investments as its treasurer may determine to be most advantageous or convenient: (i) any time deposit with, or any certificate of deposit issued by, or any acceptance by, any bank which is organized under the laws of the United States of America or any state thereof and deposits in which are insured, in whole or in part, by the Federal Deposit Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation; (ii) any direct, general obligation of the United States of America; (iii) any obligation payment of the principal of and interest on which is unconditionally guaranteed by the United States of America; (iv) any direct, general obligation of, or any obligation payment of the principal of and interest on which is unconditionally guaranteed by, any agency or instrumentality of the United States of America (including, without limitation, the Federal National Mortgage Association); and (v) any repurchase agreement or reverse repurchase agreement with any bank which is a member of the Federal Deposit Insurance Corporation (or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corpo-

ration) or with any government bond dealer reporting to and trading with the Federal Reserve Bank of New York, provided that such agreement is secured by obligations or securities described in clauses (i), (ii), (iii) and (iv) of this sentence. Funds of a Commission not invested in accordance with the preceding sentence shall be deposited in a bank the principal office of which shall be located in the Sponsoring Municipality and the deposits of which shall be insured, in whole or in part, by the Federal Deposit Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation.

Section 10. Powers and Duties of a Commission. A Commission shall have the powers and duties necessary to license, regulate and supervise horse racing and pari-mutuel betting incidental thereto, including, without limiting the generality of the foregoing, the powers and duties set forth hereinafter in this section or in other sections of this Act.

(1) A Commission shall have succession in perpetuity, subject only to the provisions of this Act as it may be amended from time to time.

(2) A Commission shall have the power to sue and be sued in its own name in civil suits and actions and to defend suits against it.

(3) A Commission shall have the power to adopt and make use of an official seal and to alter the same at pleasure.

(4) A Commission shall have the power to adopt, alter and repeal by-laws, regulations and rules, not inconsistent with the provisions of this Act, for the regulation and conduct of its affairs and business.

(5) A Commission shall have the power (a) to borrow money from any source, including the Sponsoring Municipality (which is hereby authorized to lend such money to its related Commission), for the purpose of paying expenses that may be reasonably incurred in carrying out its duties in advance of the receipt of fees, commissions and other moneys payable to it under the provisions of this Act, and (b) to pledge as security for the payment of the principal of and interest on the money so borrowed all or any of such fees, commissions and other moneys, which pledge shall be prior to any and all claims to such fees, commissions and other moneys from any intended recipients of Breeding Fund Fees pursuant to Section 34 hereof or from any intended recipients of the Net Revenues pursuant to Section 36 hereof; provided, however, that no Commission shall be entitled to borrow, or to allow to remain outstanding at any time, a principal amount in excess of (i) \$500,000 or (ii) the amount which the Commission estimates will be its total operating expenses for the next three years, whichever of such amounts is the lesser.

(6) A Commission shall establish and maintain a general business office within its Sponsoring Municipality for the transaction of its business at a place to be determined by such Commission. A Commission shall meet at such times and places within its Sponsoring Municipality as it shall determine.

(7) Each Commission shall be vested with supervision and authority over all horse races licensed by it under the provisions of this Act and over all persons conducting, participating in or attending such races. A Commission shall employ such persons to be present at race meetings as are necessary to ensure that they are conducted with order and the highest degree of integrity, and it may require that an Operator pay such salaries to such of the Commission's employees as it shall prescribe. A Commission may eject

or exclude from any racetrack or from any part thereof any person, whether or not he possesses a permit, whose conduct or reputation is such that his presence may, in the opinion of the Commission, reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of horse racing.

(8) A Commission and its representatives and employees shall visit, investigate and have free access to the office, track, facilities or other place of business of an Operator, and may compel the production of any of an Operator's books, documents, records or memoranda for the purpose of satisfying itself that such Operator is truthfully complying with the provisions of this Act and the Commission's rules and regulations. A Commission shall require that there be delivered to it an annual balance sheet and income statement of each Operator subject to its jurisdiction and also a copy of any management, concession or other contract to which any such Operator is a party.

(9) A Commission shall adopt and publish reasonable rules, regulations and conditions under which all types of racing subject to its jurisdiction, and pari-mutuel wagering, shall be conducted in its Sponsoring Municipality, and such other reasonable regulations as it deems necessary and appropriate to carry out the purposes and provisions of this Act. Such rules and regulations may include reasonable penalties for violations which shall be in the nature of civil and not criminal penalties.

(10) A Commission may issue subpoenas for the attendance of witnesses before it, administer oaths and compel production of records or other documents and testimony of such witnesses whenever such Commission finds it necessary and appropriate so to do in order to carry out its duties under this Act or to enforce the provisions of this Act or rules or regulations adopted pursuant hereto.

(11) A Commission shall have the power to compel an Owner or Operator to file with such Commission such information, including, without limitation, financial statements and information relative to stockholders and all others with any pecuniary interest in such licensee as shall appear to such Commission to be necessary for the performance of its duties hereunder, and may prescribe the manner in which books and records of an Owner or Operator shall be kept.

(12) A Commission shall have the power to enter into arrangements with any governmental or nongovernmental agency or association for the purposes of exchanging information, establishing security forces or performing any other act better to ensure the proper conduct of horse racing.

(13) A Commission shall have the power to demand and obtain for its files the fingerprints of the following persons, which fingerprints may be taken by a representative of a law-enforcement agency of the county, state or federal government, by inspectors of such Commission or by such qualified private security agency as such Commission may designate: (i) all Members, officers and employees of such Commission; (ii) every person who is an officer, director, partner or other principal of a corporation, partnership or other entity which holds a license as an Owner or Operator, and every employee of such a licensee whose duties relate to the horse racing business in the Sponsoring Municipality; (iii) all owners of horses, trainers, jockeys, apprentices, stable employees, managers, agents, blacksmiths, veterinarians and other persons who actively participate in the racing activities of any Operator; and (iv) all other persons whose relationship to horse racing and wagering activities under the jurisdiction of such Commission is of such na-

ture that such Commission, in the exercise of reasonable judgment, believes that it would be prudent to obtain the fingerprints of such persons.

(14) A Commission shall report annually to the governing body of its Sponsoring Municipality and to such state and federal authorities as shall be required by law.

(15) All books, records, maps, documents and papers of a Commission, including those filed with such Commission as well as those prepared by or for it, shall at all times be open for the personal inspection of any officer of the State, the Sponsoring Municipality or the Host County or any official investigative body or committee of any thereof, and no person having charge or custody thereof shall refuse this right to any officer or investigative body or committee, and it shall be the express duty of such person to assist such officer or committee in locating records or information. If any Member of a Commission violates the provisions of this paragraph, he shall be subject to removal from office.

(16) Subject to the provisions of Section 11 of this Act, a Commission shall appoint an executive secretary and such other employees as it deems essential to perform its duties under this Act. Such employees shall possess such authority and perform such duties as the Commission shall prescribe or delegate to them. Such employees may include stewards, chemists, veterinarians, inspectors, accountants, guards, and such other employees deemed by the Commission to be necessary for the supervision and the proper conduct of the highest standard of horse racing. Such employees shall be compensated as provided by the Commission.

(17) The executive secretary of a Commission, in addition to any other duties prescribed by such Commission, shall keep a true and full record of all proceedings of such Commission and preserve at such Commission's general office all books, documents and papers of such Commission.

(18) A Commission shall have the authority to employ legal counsel of its choice to advise such Commission and represent it in all proceedings. The compensation of such counsel shall be paid out of funds of such Commission.

Section 11. Qualifications of Commission Employees. Each appointed officer and each employee of a Commission shall be of good moral character and shall never have been convicted of a felony or other offense involving moral turpitude. As a condition of employment by a Commission, each employee shall make and submit to such Commission an affidavit confirming his or her qualifications, as set forth in the preceding sentence, to be an employee of such Commission, which affidavit shall constitute a part of the permanent personnel records of such Commission. Any employee of a Commission who in such affidavit intentionally makes a false statement of material fact or intentionally fails to disclose any information necessary to make any statement of material fact made therein not misleading shall be guilty of perjury and shall be subject to prosecution and punishment therefor in the same manner as if he had committed perjury as a witness in open court.

Section 12. Review of Commission Action. Any person aggrieved by a refusal of a Commission to issue any license or permit, or suspension or revocation of a license or permit, imposition of a fine, or any other action of the Commission, may, within thirty (30) days of such action, appeal to the circuit court of the Host County. If such court finds that the action of such Commission was arbitrary, it shall order the issuance or reinstatement of such license or permit, abatement of such fine or such other action as it

deems appropriate. The decision of such court shall be subject to appeal as in other cases at law.

Section 13. Commission May Obtain Injunctions. Whenever it appears to a Commission that any person has been violating or may violate any provision of this Act or any reasonable rule or regulation or final decision of such Commission, it may apply to the circuit court of the Host County for an injunction against such person. The order granting or refusing such injunction shall be subject to appeal as in other cases in equity.

Section 14. Licenses Required for Owners and Operators. No person shall construct or establish a horse racetrack where race meetings are to be held and pari-mutuel wagering permitted, or own any such track or racing facilities in the Sponsoring Municipality, unless he has obtained an owner's license issued by a Commission in accordance with the provisions of this Act, which license when granted shall authorize the holder thereof to construct, establish and own in the Sponsoring Municipality a horse racetrack where race meetings are held and pari-mutuel wagering permitted in compliance with this Act.

No person shall operate pari-mutuel wagering or conduct any race meeting at which wagering is permitted with his knowledge or acquiescence in the Sponsoring Municipality unless he has obtained an operator's license under the provisions of this Act, which license when granted shall authorize the holder thereof to operate pari-mutuel wagering or conduct a race meeting at which pari-mutuel wagering is permitted in the Sponsoring Municipality in compliance with this Act.

No license issued under the provisions of this Act shall be transferable without the approval of the Commission which issued such license, such approval to be given or withheld under rules and regulations adopted by such Commission.

Section 15. Application for Owner's License. Any person desiring to construct or own a racetrack at which pari-mutuel wagering is permitted shall file with the appropriate Commission an application for an owner's license. Such application shall be filed at the time and place prescribed by such Commission and shall be in such form and contain such information as may be prescribed by such Commission, including the following:

(1) the name and address of such person; if a corporation, the state of its incorporation and the full name and address of each officer and director thereof; if a foreign corporation, whether it is qualified to do business in the State; and if a partnership or joint venture, the name and address of each general partner thereof;

(2) the name, and every address for the period of five years immediately preceding the date of such application, of each stockholder or member of such corporation, or each general partner of such partnership or joint venture, and of each person who has contracted for a pecuniary interest in the applicant or the facilities at which such race meeting or pari-mutuel wagering will be conducted, whether such interest be an ownership or a security interest, and the nature and value of such interest, and the name and address of each person who has agreed to lend money to the applicant; provided that if the applicant proposes to arrange further financing, subsequent to the award of an owner's license, through a sale of stock, partnership interests or other equity interests, the issuance of debt securities, the entering into of financing leases or otherwise borrowing money, then, in such case, such Commission may grant an owner's license which sets forth

conditions to be met in arranging such further financing or which reserves to such Commission the right to approve any or all aspects of such further financing;

(3) such information as such Commission deems appropriate regarding the character and responsibility of the applicant and the members, partners, stockholders, officers and directors of the applicant;

(4) the location and description of the racetrack, place or enclosure where such applicant proposes to hold race meetings; provided that such Commission may require such information about the facilities and location of the track, including preliminary architectural plans, as it deems necessary and appropriate to determine whether they comply with the minimum standards provided in this Act, and whether the conduct of race meetings at such location would be in the best interests of the people of the State;

(5) such information relating to the financial responsibility of the applicant as such Commission deems appropriate;

(6) if any of the facilities necessary for the conduct of racing or pari-mutuel wagering are to be leased, the terms of such lease; and

(7) any other information which such Commission in its discretion deems appropriate.

Any application filed hereunder shall be verified by the oath or affirmation of an officer of the applicant, and shall be accompanied by a nonrefundable fee of \$15,000.

Section 16. Review of Application for Owner's License. A Commission shall promptly consider any application for an owner's license submitted to it and shall grant or deny such license based on all information before it, including any investigations it deems appropriate. A Commission shall deny a license to any applicant unless it finds as follows:

(1) that each natural person having an ownership interest in the applicant, either directly or indirectly, shall have been a resident of the State continuously for a period of five years next preceding the date of the application in question; and

(2) that the applicant's facilities will meet the following minimum standards: (a) that the facilities will provide a track racing surface of at least one mile; (b) that the facilities will be appropriate for the conduct of year-round racing and night racing; and (c) that the facilities will be located within the corporate limits of the Sponsoring Municipality or will be annexed thereto prior to the commencement of racing.

For purposes of clause (1) of the next preceding sentence of this section, a resident of the State shall be a natural person who during the period in question had such continuing presence in the State as would have satisfied the residency requirements for such person to be and remain a registered voter in the State during such period.

The provisions of this section which permit an owner's license to be granted to an Owner only if each natural person having an ownership interest in such Owner has been a resident of the State continuously for the preceding five years shall not be construed (A) to impair the foreclosure rights of any mortgagee holding a mortgage on the racing facilities of such Owner securing debt incurred to finance the costs of constructing or purchasing such racing facilities or (B) to impair the rights of any mortgagee holding such a mortgage, or the rights of any other person, corporation

or other legal entity to which such racing facilities may be sold in foreclosure, to take and hold title to such racing facilities, to lease or sell the same, and to apply for and receive an owner's license therefor from the Commission upon compliance with all other applicable provisions of this Act, irrespective of whether the aforesaid condition of five years' residence in the State shall be satisfied by each individual having an ownership interest in such mortgagee or an ownership interest in a corporation or other legal entity to which such racing facilities shall be sold, as the case may be.

A Commission shall deny a license to an applicant if it finds that for any reason the issuance of a license to such applicant would not be in the interests of the people of the Sponsoring Municipality, or that the applicant, or any officer, general partner or director of the applicant:

(i) has knowingly made a false statement of a material fact in the application or has deliberately failed to disclose any information called for in the application;

(ii) is or has been guilty of any corrupt or fraudulent act, practice or conduct in connection with any horse race meeting in the State or any other state;

(iii) has had a license or permit to hold or conduct a horse race meeting denied for just cause, suspended or revoked in any other state or country; or

(iv) is not qualified to do business in the State, or is not subject to the jurisdiction of the courts of the State.

Section 17. Terms of Owner's License. An owner's license issued under this Act shall be for a period of twenty (20) years, but shall be reviewed annually. A Commission issuing an owner's license shall state therein the person to whom such license is issued, the duration of such license, the location of the proposed racetrack, and such other conditions of the license and related information as such Commission shall deem proper. It shall be the policy of each Commission to permit widespread ownership of stock or limited partnership interests in a corporation or partnership holding an owner's license and owning a racetrack facility.

While any owner's license or licenses theretofore issued by a Commission shall remain in effect, such Commission shall not issue (i) any other owner's license with respect to the racetrack covered by the owner's license or licenses already in effect or (ii) any other owner's license covering any other racetrack to be located in the Sponsoring Municipality without, in either case, the duly authorized consent of the Owner or Owners holding all owner's licenses already in effect, which consent shall be obtained in writing prior to the issuance of any such other owner's license. Any provisions of this Act or any other law to the contrary notwithstanding, a Commission may, at the time of the issuance of an owner's license to an Owner or at any time thereafter, enter into a contract with such Owner establishing restrictive conditions under which such Commission may license racetracks that would compete with the racetrack covered by the license of such Owner, which conditions may, in the discretion of such Commission, preclude the licensing of any competing racetracks while such Owner's license shall remain in effect. The provisions of any such contract between a Commission and an Owner shall be deemed to be a part of the terms and conditions of the owner's license granted to such Owner. Without in any way limiting the nature of the consideration that might be given by an Owner to make such contract binding, the obligations (including any future obligations) of any Operator using the racetrack covered by such Owner's license to pay the State Wagering Fee and the Commission Wagering Fee, together with the

economic benefits to be derived by the State and such Commission and its Sponsoring Municipality from the establishment and continued operation of a racetrack, shall be deemed sufficient consideration to make such contract binding upon such Commission and any State Racing Commission. Any such contract between a Commission and an Owner shall be binding upon such Commission and any State Racing Commission at any time exercising jurisdiction over such Commission or such Owner and shall not be impaired by any subsequent action of such Commission or such State Racing Commission or by any act of the Legislature of Alabama which, through the authorization of another licensing entity or by any other means, would permit or encourage the establishment and operation of a competing racetrack in contravention of such contract.

A Commission may require a bond with surety acceptable to it in an amount determined by it to be sufficient to cover the maximum indebtedness anticipated to be incurred by the licensee to such Commission in any year. The amount of such bond may be adjusted from time to time as such Commission may require.

Each Commission may require the licensee to pay such Commission a license fee of \$2,000 per month for a period beginning six months from the date of issuance of the owner's license to the date of the beginning of operation of the related racetrack. The license fee shall be used by the Commission for operating expenses prior to the beginning of operation of the racetrack.

Section 18. Application for Operator's License. Any corporation desiring to hold race meetings at which pari-mutuel wagering is permitted shall file with the appropriate Commission an application for an operator's license. Such application may be made in conjunction with an application for an owner's license. It shall be filed at the time and place prescribed by the Commission and shall contain such information as prescribed by the Commission, including all information required for an owner's license under this Act. Any application for an operator's license filed hereunder shall be verified by the oath or affirmation of an officer of the applicant and shall be accompanied by a nonrefundable fee of \$10,000.

Section 19. Review of Application for Operator's License. A Commission shall promptly consider any application for an operator's license submitted to it and shall grant or deny such license based on all information before it, including any investigation it deems appropriate. A Commission shall deny a license to any applicant unless it finds as follows:

(1) that such applicant is a corporation organized under Title 10 of the Code of Alabama 1975, or comparable law or laws of another state, and qualified to do business in the State;

(2) if the corporation is a stock corporation, that no one person owns more than thirty percent (30%) in voting rights or value of the stock of such corporation, and that no "family group" (which shall mean, for the purposes of this clause (2), any person and his or her spouse, parents, brothers and sisters) owns more than fifty percent (50%) in voting rights or value of the stock of such corporation; if the corporation is a nonstock corporation, that there are at least ten members, and that no more than twenty percent (20%) of the membership belongs to any family group;

(3) if the corporation is a stock corporation, that one hundred percent (100%) in voting rights and value of such corporation is owned directly or indirectly (through ownership of corporate stock, partnership interests or

beneficial interests in one or more trusts or estates) by natural persons who have been residents of the State continuously for a period of five years next preceding the date of the application in question; if the corporation is a nonstock corporation, that members of such corporation possessing one hundred percent (100%) of the voting rights are natural persons who have been residents of the State for a period of five years next preceding the date of the application in question;

(4) that the members of the board of directors of such corporation, whether the same shall be a stock or a nonstock corporation, are individuals who have been residents of the State for a period of five years next preceding the date of the application in question;

(5) that the applicant's articles or certificate of incorporation or other corporate documents provide that it may, on vote of a majority of the stockholders or members, purchase at fair market value the entire stock or interest of any stockholder, or require the resignation of any member, who is or becomes unqualified for such position under this Act;

(6) that the applicant would be qualified, under the provisions of this Act, for a license to own the racetrack facilities at which it desires to hold a race meeting;

(7) that the applicant shall have made, or shall have committed to make, arrangements satisfactory to such Commission for the detection and prosecution of any corrupt or fraudulent act, practice, or conduct in connection with any race meeting, including utilization of the services of a protective agency acceptable to such Commission; and

(8) that the applicant shall have obtained and committed to maintain membership in such racing associations (as, for example, the Thoroughbred Racing Association or the United States Harness Association) as such Commission finds necessary or desirable to assist an Operator to operate race meetings.

For purposes of clauses (3) and (4) of the next preceding sentence of this section, a resident of the State shall be a natural person who during the period in question had such continuing presence in the State as would have satisfied the residency requirements for such person to be and remain a registered voter in the State during such period.

Section 20. Terms of Operator's License. An operator's license issued under this Act shall be for a period of twenty (20) years, but shall be reviewed annually. Any such license issued under this Act shall permit the holder thereof to hold and conduct one or more race meetings each year at the racetrack to which such license shall be applicable. Races may be conducted six days or nights a week throughout the year, but not on Sunday.

A Commission issuing an operator's license shall state therein the corporation to which such license is issued, the location of the racetrack where meetings are to be conducted, the period during which such license shall be in effect, and such other conditions of the license and related information as such Commission shall deem proper.

While any operator's license or licenses theretofore issued by a Commission shall remain in effect, such Commission shall not issue any other operator's license with respect to any racing events of the kind covered by the operator's license or licenses already in effect without the duly authorized consent of the Operator or Operators holding all operator's licenses already in effect, which consent shall be obtained in writing prior to the issu-

ance of any such other operator's license. Any provisions of this Act or any other law to the contrary notwithstanding, a Commission may, at the time of the issuance of an operator's license to an Operator or at any time thereafter, enter into a contract with such Operator establishing restrictive conditions under which such Commission may license the conduct of racing events that would compete with the racing events or activities covered by the license of such Operator, which conditions may, in the discretion of such Commission, preclude the licensing of any competing racing events or activities while such Operator's license shall remain in effect. The provisions of any such contract between a Commission and an Operator shall be deemed to be a part of the terms and conditions of the operator's license granted to such Operator. Without in any way limiting the nature of the consideration that may be given by an Operator to make such contract binding, the obligations (including any future obligations) of any Operator to pay the State Wagering Fee and the Commission Wagering Fee, together with the other economic benefits to be derived by the State and by such Commission and its Sponsoring Municipality from the conduct of horse racing and pari-mutuel wagering thereon, shall be deemed sufficient consideration to make such contract binding upon such Commission and any State Racing Commission. Any such contract between a Commission and an Operator shall be binding upon such Commission and any State Racing Commission at any time exercising jurisdiction over such Commission or such Operator and shall not be impaired by any subsequent action of such Commission or such State Racing Commission or by any act of the Legislature of Alabama which, through the authorization of another licensing entity or by any other means, would permit or encourage the conduct of racing events or activities by persons other than such Operator in contravention of such contract.

A Commission issuing an operator's license shall require a bond with surety acceptable to it, and in an amount determined by it to be sufficient to cover the maximum indebtedness anticipated to be incurred by the holder of such license to such Commission in any year. The amount of such bond may be adjusted from time to time as such Commission may require.

Section 21. Suspension or Revocation of License. A Commission may suspend or revoke any license or fine the holder thereof not to exceed \$5,000 after hearing with fifteen (15) days' notice in any case where it has reason to believe that any regulation of the Commission has not been complied with or has been violated. Annually, each Commission shall review the performance of each licensee for compliance with the provisions of this Act and the rules and regulations of such Commission. Deliberations of a Commission under this section may be conducted in executive session, unless otherwise requested by the licensee. If any such license is suspended or revoked, the Commission shall state its reason for doing so, which shall be entered of record. Such action shall be final unless appealed in accordance with the provisions of this Act.

Section 22. Application to Acquire Interest in Operator. Any person desiring to acquire stock in, or become a member of, a corporation which holds an operator's license hereunder shall apply to the Commission which issued such license on a form prescribed by it for approval of such acquisition or membership; provided, however, that no stock in any stock corporation holding an operator's license may be acquired or transferred pursuant to the provisions of this section unless all the natural persons who will ultimately own, directly or indirectly, all the voting rights and value represented by such stock shall have been residents of the State (as "resident of the State" is defined in Section 19 hereof) continuously for a period of five years next preceding the date on which such stock is to be acquired

or transferred; provided further that no person shall become a member of any nonstock corporation holding an operator's license unless such person is a natural person who shall have been a resident of the State (as "resident of the State" is defined in Section 19 hereof) continuously for a period of five years next preceding the date on which such person is to become a member of such corporation. The Commission shall consider such application forthwith, and may, if it finds it necessary, demand additional information concerning the proposed acquirer or transferee of stock or the proposed member in a nonstock corporation, as the case may be. If in the judgment of the Commission the acquisition or transfer of stock or membership in a corporation holding an operator's license would be detrimental to the public interest, to the honesty and integrity of racing, or to the reputation of racing, the application shall be denied. If the application is not denied within sixty (60) days, it shall be deemed approved. It shall be the policy of each Commission to favor the widespread ownership of stock in Operators by residents of the State.

Section 23. Permits Required for Certain Individuals and Companies. No person, firm, corporation or partnership shall participate in any horse racing subject to the jurisdiction of a Commission or in the conduct of any racing event or pari-mutuel wagering thereon, whether as a horse owner, trainer, jockey, exercise boy, groom, stable foreman, valet, veterinarian, agent, pari-mutuel employee, concessionaire or employee thereof, or track employee, or enter the track enclosure in any capacity other than as a spectator, unless such person or the firm, corporation or partnership employing such person possesses a permit therefor from the appropriate Commission and complies with the provisions of this Act and all reasonable rules and regulations of such Commission. No permit issued under this section shall be transferable.

The provisions of this section which require a concessionaire to obtain a permit from the appropriate Commission in order to operate a business selling food, beverages, souvenirs or other merchandise to persons attending racing events shall not be construed to permit any Commission to charge a concessionaire any license or permit fees measured by its gross revenues or to derive any economic benefit from the operations of such concessionaires other than the permit fees authorized by Section 24 of this Act, it being expressly provided that the Owner and the Operators for each racing facility shall have the exclusive rights (as they may by contract allocate such rights among themselves) to determine the business conditions under which concessionaires shall operate at racing facilities under the jurisdiction of any Commission and to retain all moneys (except for the Commission's permit fee as aforesaid) which any concessionaire is willing to pay for the privilege of conducting business at such racing facilities.

Section 24. Application for Permit. Any person, firm, corporation or partnership desiring to obtain a permit as required by this Act shall make application therefor on a form prescribed by the appropriate Commission. Each individual applicant and each principal of any firm, chief executive officer of any corporation and managing partner of any partnership applying for a permit for such firm, corporation or partnership, as the case may be, shall be photographed and fingerprinted and shall supply such information as such Commission may require. All information contained in, or submitted in support of, any application for a permit shall be confirmed by an affidavit of the person or persons making such application, whether such application shall be made on behalf of such person or persons or on behalf of a firm, corporation or partnership. Any application for a permit made by an individual who seeks to work at a racing facility under the jurisdiction of

a Commission and any application for a permit made by a firm, corporation or partnership that seeks to provide services or sell merchandise at such racing facility, as the case may be, shall include a statement as to whether such individual, or any owner, principal, officer, director or partner of such firm, corporation or partnership, or any employee of such firm, corporation or partnership who will actually work at such racing facility, has ever been convicted of a felony or other offense involving moral turpitude. Any firm, corporation or partnership which has previously received an effective permit from a Commission to provide services or sell merchandise at a racing facility shall, as a condition of maintaining such permit, file with such Commission supplemental information (including the statement described in the preceding sentence) concerning any new or additional owners, principals, officers, directors or partners of such firm, corporation or partnership, as the case may be, or any new or additional employees thereof who will actually work at such racing facility.

A Commission shall be entitled to charge fees for permits according to such schedule as it shall adopt from time to time, and in addition to the fee that it may charge a firm, corporation or partnership having employees at a racing facility under its jurisdiction, it may charge a separate fee for each individual employee of such firm, corporation or partnership working at such racing facility; provided, however, that (i) the permit fee for any one firm, corporation or partnership shall not exceed \$1,000 in any period of one year and (ii) the permit fee for any individual shall not exceed \$50 in any period of one year, regardless of whether such individual is self-employed or is employed by a firm, corporation or partnership also paying a permit fee.

Section 25. Review of Applications for Permits. A Commission shall promptly consider any application for a permit submitted to it and shall issue or deny such permit based on the information in the application and all other information before it, including any investigation it deems appropriate. If an application for a permit is approved, the Commission approving such application shall issue a permit which shall contain such information as such Commission deems appropriate. Such permit shall be valid for one year.

A Commission shall deny any such application and refuse to issue a permit, which denial shall be final unless an appeal is taken under the provisions of this Act, if it finds that the issuance of such permit to the applicant therefor would not be in the interest of the applicant, the people of the Sponsoring Municipality or the horse racing industry in the Sponsoring Municipality, or that the applicant:

(1) has knowingly made a false statement of a material fact in the application or has deliberately failed to disclose any information called for by the application;

(2) is or has been guilty of any corrupt or fraudulent practice or conduct in connection with any horse racing activity in the State or any other state;

(3) has failed to comply with the provisions of this Act or the reasonable rules and regulations of the Commission;

(4) has had a permit to engage in an activity related to horse racing denied for just cause, suspended or revoked in any other state, and such denial, suspension or revocation is still in effect; or

(5) is unqualified to perform the duties required for the permit sought.

Section 26. **Suspension or Revocation of Permit.** A Commission may suspend or revoke a permit issued under this Act or fine the holder of such permit not to exceed \$1,000, after hearing with fifteen (15) days' notice to such holder, in any case where it has reason to believe that any provision of this Act, or any reasonable rule or regulation of the Commission, has not been complied with or has been violated. The Commission may revoke such permit, after such hearing, if it finds that facts not known by it at the time it considered the application for such permit indicate that such permit should not have been issued. Deliberations of a Commission concerning the suspension or revocation of a permit may be conducted in executive session unless otherwise requested by the holder of such permit. If any permit is suspended or revoked, the Commission shall state its reasons for so doing and shall enter the same in the permanent records of its proceedings. The suspension or revocation of a permit shall be final unless an appeal is taken in accordance with the provisions of this Act.

Section 27. **License Required for Stewards; Appointment of Stewards for Race Meetings.** Any person desiring to act as a steward for any race meeting conducted pursuant to this Act must obtain a license from the Commission having jurisdiction over such race meeting. Each Commission shall require each applicant for a steward's license to pass one or more examinations on matters relating to the duties of stewards. Such examinations shall be prepared and administered in accordance with rules and regulations to be adopted by each Commission. Any Commission may establish other requirements, in addition to successful completion of such examinations, which must be met by any applicant in order to obtain a steward's license, including, without limitation, payment of reasonable license fees. Any steward's license issued pursuant to this Act shall have a term not exceeding two years, provided that the term of any such license may be extended or renewed at the option of the appropriate Commission.

Three licensed stewards shall be appointed to supervise each race meeting conducted pursuant to this Act. Two of such stewards shall be appointed by the Commission governing such race meeting and one shall be appointed by the Operator conducting such race meeting. Such stewards shall exercise such powers and perform such duties at each race meeting as may be prescribed by the rules and regulations of the governing Commission.

Section 28. **General Provisions Respecting Pari-Mutuel Wagering.** Pari-mutuel wagering conducted by an Operator shall be conducted in accordance with the provisions of this section. An Operator shall provide a place or places at the racetrack operated by it at which such Operator shall conduct a pari-mutuel system of wagering by its patrons on the results of horse races held at such racetrack. Such place or places shall be provided with the electronic or mechanical equipment necessary to issue pari-mutuel tickets, as well as the electronic or mechanical equipment necessary to record the wagering, compute the odds, and determine the awards to winning bettors, all in an accurate and speedy manner. All such equipment shall be approved by the Commission licensing such Operator before being used, but such Commission shall not require the installation of any particular make of such equipment.

Subject to the provisions of the next succeeding paragraph, an Operator shall distribute to the winners of each pari-mutuel pool the total amount wagered with respect to that pool, less the following deductions to be retained by such Operator as in the case may be applicable:

(i) in the case of any pari-mutuel pool where the bettor is required to select one horse, there shall be deducted an amount equal to seventeen percent (17%) of the total amount wagered with respect to that pool plus the Breakage applicable to the winning bets for that pool;

(ii) in the case of any pari-mutuel pool where the bettor is required to select two horses, there shall be deducted an amount equal to twenty-one percent (21%) of the total amount wagered with respect to that pool plus the Breakage applicable to the winning bets for that pool; and

(iii) in the case of any pari-mutuel pool where the bettor is required to select three or more horses, there shall be deducted an amount equal to twenty-three percent (23%) of the total amount wagered with respect to that pool plus the Breakage applicable to the winning bets for that pool.

In addition to the amounts permitted by the preceding sentence to be deducted from all pari-mutuel pools and retained by an Operator, such Operator shall be permitted to retain all moneys represented by unclaimed, uncashed, or abandoned pari-mutuel tickets; provided, however, that no pari-mutuel ticket shall be deemed to be unclaimed, uncashed, or abandoned unless it shall not be presented for payment within six months from the date of the running of the race to which such pari-mutuel ticket pertains.

During any period in which an Operator shall be required to pay the State Wagering Fee, such Operator shall have the right to increase the deduction permitted by the next preceding paragraph by any amount up to one percent (1%) of the total amount wagered with respect to any pari-mutuel pool, any provisions of this Act or any other law to the contrary notwithstanding. It is hereby expressly declared that this right is conferred upon each Operator licensed by a Commission for the purpose of enabling such Operator to generate all or part of the money necessary to pay the State Wagering Fee, and any increase in the amount deducted by an Operator from any pari-mutuel pools pursuant to the exercise of such right shall not be made the basis of any increase in the State Wagering Fee, the Commission Wagering Fee or any other taxes, fees or commissions payable by such Operator. No increase in the amount deducted from any pari-mutuel pool shall be permitted pursuant to this paragraph until such time as an Operator shall become liable for the State Wagering Fee, but thereafter, and for so long as such Operator shall remain liable for the State Wagering Fee, the right conferred by this paragraph to increase the amount deducted may be exercised at any time and from time to time (including the right to institute an increase and thereafter discontinue and resume it any number of times), may be exercised with respect to all pari-mutuel pools or with respect to some and not to others, and may be exercised with respect to any pari-mutuel pool in any degree of increase, not exceeding in any case more than one percent (1%) of the total amount wagered with respect to that pool, all as such Operator shall determine in the exercise of its sole discretion without direction or influence from the Commission licensing such Operator, any State Racing Commission or any other governmental body.

A Commission shall adopt and maintain rules and regulations for each kind of pari-mutuel pool that may be operated by an Operator licensed by such Commission, and such rules and regulations shall be published by such Commission in book or pamphlet form for general distribution to all interested persons. Under the pari-mutuel system of wagering hereby authorized, an Operator shall be permitted to provide separate pools for bets to win, place, and show, as well as separate pools for more complex wagers involv-

ing such combinations of races and such combinations of the outcomes of races as shall be approved by the Commission licensing such Operator. Each pool (less the amount that the Operator is permitted to retain pursuant to the provisions of this section) shall be distributed separately to the winners thereof in accordance with the rules and regulations of the governing Commission for that kind of pari-mutuel pool. If there is no ticket bet on the winning horse or combination of horses for any pari-mutuel pool, the portion of the pool which would have been distributed to any winners thereof shall be distributed to the holders of tickets for such pool in accordance with the rules and regulations of the governing Commission for that kind of pari-mutuel pool.

Section 29. State Wagering Fee. No license tax, fee or equivalent charge shall be levied by the State against horse racing or pari-mutuel wagering thereon licensed and regulated by a Commission during a period beginning with the effective date of this Act and continuing until the fifth (5th) anniversary of the date on which racing events shall first be conducted under the jurisdiction of such Commission. Beginning with such fifth (5th) anniversary of the date on which racing events shall first be conducted under the jurisdiction of a Commission, and continuing thereafter for so long as such Commission shall continue in existence, each Operator licensed by such Commission shall pay to the Department of Revenue of the State (or such other department or agency of the State as may be provided by law) a State Wagering Fee in an amount equal to one percent (1%) of the Handle of such Operator. The State Wagering Fee shall be paid in installments referable to the calendar months during which racing events shall be conducted by an Operator, and the installment referable to any calendar month shall be an amount equal to one percent (1%) of the Handle of such Operator for such calendar month and shall be paid to the Department of Revenue of the State (or such other department or agency of the State as may be provided by law) prior to the end of the next succeeding calendar month. The Department of Revenue of the State (or other collecting department or agency of the State) is hereby authorized to promulgate and enforce such rules and regulations, not inconsistent with the provisions of this Act, as shall be reasonably necessary for the determination and collection of the State Wagering Fee. The Department of Revenue of the State (or other collecting department or agency of the State) may require a bond with surety acceptable to it in an amount determined by it to be sufficient to cover the maximum liability for the State Wagering Fee that may at any time be incurred by an Operator.

The Legislature hereby finds and determines that the State Wagering Fee authorized by this Act is the maximum license fee or equivalent tax or charge which can be levied by the State against horse racing or pari-mutuel wagering thereon without impairing the economic viability of horse racing and lessening its contribution to increased employment and tourism in the State. No State Racing Commission shall have the power to increase the State Wagering Fee above the limits provided in this Act, to impose the State Wagering Fee for any period not herein authorized, or to levy or impose any additional license fee or equivalent tax or charge against horse racing or pari-mutuel wagering thereon conducted under the provisions of this Act.

Section 30. Commission Wagering Fee. Each Operator shall pay to the treasurer of the Commission licensing such Operator a Commission Wagering Fee for each calendar year during which it conducts any racing events. The amount of the Commission Wagering Fee for an Operator for a given calendar year shall be equal to the sum of (i) two percent (2%) of the

Handle of such Operator for such calendar year to the extent that such Handle does not exceed one hundred fifty million dollars (\$150,000,000) and (ii) four percent (4%) of the portion of the Handle of such Operator for such calendar year that exceeds one hundred fifty million dollars (\$150,000,000). Each Operator shall make payment of its Commission Wagering Fee for each calendar year to the treasurer of the licensing Commission in monthly installments. For each calendar year, the monthly installment referable to any month (other than the month during which the final racing event for such calendar year shall be conducted) shall be equal to two percent (2%) of the Handle for such month. The monthly installment referable to the month during which the final racing event for any such calendar year shall be conducted shall be equal to the sum of (i) two percent (2%) of the Handle for such month and (ii) two percent (2%) of the portion of the aggregate Handle for such calendar year in excess of one hundred fifty million dollars (\$150,000,000). The installment of the Commission Wagering Fee referable to any calendar month shall be paid to the treasurer of the appropriate Commission prior to the end of the next succeeding calendar month.

If at any time during a calendar year the aggregate Handle of an Operator for such calendar year exceeds one hundred fifty million dollars (\$150,000,000), then such Operator shall, in order to assure the availability of the moneys required to pay the final installment of its Commission Wagering Fee for such calendar year, set aside and invest moneys in an amount equal to two percent (2%) of the portion of such aggregate Handle in excess of one hundred fifty million dollars (\$150,000,000) in investments of the kind in which the funds of a Commission are permitted by Section 9 hereof to be invested by its treasurer. Any such investments acquired by an Operator shall be held by it in trust for the benefit of the Commission licensing such Operator in order to secure the payment of the Commission Wagering Fee, but the Operator shall be entitled to any interest earned from such investments until the due date of the final installment of the Commission Wagering Fee for such calendar year.

The Legislature hereby finds and determines that the Commission Wagering Fee authorized by this Act is the maximum license fee or equivalent tax or charge which can be levied by a Commission or by any political subdivision of the State against horse racing or pari-mutuel wagering thereon without impairing the economic viability of horse racing and lessening its contribution to increased employment and tourism in the State. No Commission shall have the power to increase the Commission Wagering Fee above the limits provided in this Act or to levy or impose any additional license fee or equivalent tax or charge against horse racing or pari-mutuel wagering thereon conducted under the provisions of this Act.

Section 31. Purses. From the moneys deposited in pari-mutuel pools which are not distributed to the holders of winning tickets, each Operator shall apply an amount equal to seven percent (7%) of its total Handle to provide purse moneys for races conducted by such Operator. Prior to the commencement of any race meeting, the Operator conducting such meeting shall estimate the amount of its Handle to be derived from such meeting. Based upon such estimate, the Operator shall adopt a schedule providing for a reasonable allocation of purse moneys over the period of the anticipated race meeting. Any such schedule may be amended from time to time during the course of a race meeting if it becomes apparent that the Operator's actual Handle for such race meeting will not match its original estimate.

Each Operator shall provide the Commission licensing such Operator

with periodic reports respecting the amounts applied by such Operator to provide purse moneys. If at the close of any race meeting it is determined that the Operator conducting such meeting failed to apply an amount equal to seven percent (7%) of its Handle for such meeting to provide purse moneys, then any excess shall be deducted from, and any deficiency shall be added to, the amount which such Operator is required to provide as purse moneys for its next succeeding race meeting.

Section 32. Television or Radio Transmission of Racing Events. Each Commission shall have the power to adopt rules and regulations specifying the conditions under which television or radio coverage of racing events held at racetracks located outside the State may be transmitted for public viewing to racetrack facilities within the Sponsoring Municipality which are under the jurisdiction of such Commission and there made the object of pari-mutuel wagering. Subject to such exceptions as a Commission may approve by rule or regulation in order to satisfy applicable requirements of federal law, all pari-mutuel wagering with respect to such racing events that are the subject of television or radio coverage shall be subject to the rules governing pari-mutuel wagering on racing events conducted at racetracks under the jurisdiction of such Commission, including the provisions of Sections 28, 29 and 30 hereof.

Each Commission shall also have the power to adopt rules and regulations specifying the conditions under which television or radio coverage of racing events held at racetracks under the jurisdiction of such Commission may be either (i) transmitted on a live or delayed basis by a commercial television or radio station or network for the entertainment of the public or (ii) transmitted to specific locations in other states for the purpose of pari-mutuel wagering at such locations.

Nothing contained in this section or any other provision of this Act shall be construed to authorize or make lawful wagering or gambling of any kind at any location other than the pari-mutuel facilities located at racetrack facilities licensed by a Commission.

Section 33. Admission Fee. The governing body of a Sponsoring Municipality may by ordinance impose a fee on an Operator licensed hereunder to conduct a race meeting of \$.25 on the admission of each person on each day of such meeting, except those persons holding valid permits under this Act and actually employed at such track in the capacities for which such permits were issued. The Operator may collect such amount from the ticket purchaser in addition to the amount charged for the ticket of admission.

Section 34. Breeding Fund. Each Commission shall establish a special fund to promote the breeding, raising and racing of thoroughbred and standardbred horses in the State, which shall be known as "The _____ [name of the Sponsoring Municipality] Racing Commission Breeding and Development Fund." Each Operator shall pay to its licensing Commission a Breeding Fund Fee for each month during which it conducts any racing events. For each Operator, the Breeding Fund Fee for any month shall be an amount equal to one-half of one percent ($\frac{1}{2}\%$) [or, in the case of any such fee referable to any month during the period of three years immediately following such Operator's receipt of an operator's license, one-quarter of one percent ($\frac{1}{4}\%$)] of the Handle for such Operator for such month. The Breeding Fund Fee payable by an Operator for a given month shall be paid to the treasurer of the Commission governing such Operator before the end of the succeeding month. All Breeding Fund Fees received by a Commission shall be deposited into its Breeding Fund.

Twenty percent (20%) of the aggregate amount of Breeding Fund Fees received by each Commission in each calendar year shall be set aside for distribution to the schools of veterinary medicine of Auburn University and Tuskegee Institute. Each Commission shall distribute the moneys so set aside on such schedule as shall be administratively reasonable and convenient, but in any event all such moneys referable to the Breeding Fund Fees received in any calendar year shall be distributed not later than sixty (60) days after the end of such calendar year. Each Commission shall divide the twenty percent of the Breeding Fund Fees required to be set aside for the schools of veterinary medicine at Auburn University and Tuskegee Institute between such schools in an equitable manner, taking into account the number of students served by each school, the financial needs of each school to maintain accepted academic standards, the nature and quality of equine research conducted at each such school and such other factors as such Commission shall deem relevant in the circumstances; provided, however, that neither of such schools of veterinary medicine shall receive less than twenty-five percent (25%) of the total amount required to be set aside by the provisions of this paragraph in any calendar year. All moneys distributed to the schools of veterinary medicine at Auburn University or Tuskegee Institute pursuant to this paragraph shall be used exclusively for supportive research on the health and diseases of the horse.

Each Commission shall adopt rules and regulations governing the maintenance and administration of its Breeding Fund and the disbursement of the moneys deposited therein, provided that such moneys may be used only for the purposes specified in the next preceding paragraph of this section and for the following additional purposes:

(1) to provide awards to Breeders and owners of Alabama-Bred thoroughbred or standardbred horses finishing first, second, third or fourth in pari-mutuel races run in the State;

(2) to provide awards to Stallion Owners whose Alabama Stallions have sired Alabama-Bred thoroughbred or standardbred horses finishing first, second, third or fourth in pari-mutuel races run in the State;

(3) to provide purse moneys for races conducted exclusively for Alabama-Bred thoroughbred or standardbred horses under conditions which have been approved by such Commission;

(4) to advance and promote the breeding and raising of thoroughbred and standardbred horses in the State by the publication and dissemination of information relating thereto;

(5) to promote equine research through grants to universities within the State; and

(6) to provide for the administration and management of such Breeding Fund.

Section 35. No Taxes in Addition to Fees. The State Wagering Fee, the Commission Wagering Fee and any other fees imposed by this Act on pari-mutuel wagering shall be in lieu of all license and excise taxes imposed on horse racing and pari-mutuel wagering thereon by the State or any county, municipality or other political subdivision thereof; provided, however, that this section shall not be construed to confer any exemption with respect to any uniform taxes levied generally on property, income or business activity, including, without limitation, (i) income taxes levied by the State, (ii) occupational taxes levied on wages by a Sponsoring Municipality or Host County, (iii) ad valorem taxes levied on any racing facility at the

same rates as are applicable to other commercial property having comparable market value, and (iv) state and local sales taxes on merchandise sold by Operators or their concessionaires at racing events.

Section 36. Application of Net Revenues. All commission wagering fees and other fees, commissions and moneys, including fines and forfeitures, to which a Commission shall be entitled under the provisions of this Act shall be paid to the treasurer of such Commission and shall be deposited by said treasurer to the account of such Commission. All such moneys remaining after (i) the payment of all expenses incurred in the administration of this Act, including (without limitation thereto) the payment of the salaries and expenses of the Members and employees of such Commission and (ii) the deposit into the Breeding Fund of all amounts required by Section 34 hereof to be deposited therein shall be allocated and paid not less frequently than once each calendar year as follows:

(1) eighteen percent (18%) of the Net Revenues shall be allocated to the Sponsoring Municipality, subject to the condition that five percent (5%) of the amount so allocated shall be contributed to the general employees' pension fund of the Sponsoring Municipality for the purpose of providing cost-of-living increases in pension benefits;

(2) ten percent (10%) of the Net Revenues shall be allocated in total to the county or counties in which the Sponsoring Municipality or any part thereof shall be located, subject to the conditions that

(i) if the Sponsoring Municipality is located in more than one county, the portion of the said ten percent of Net Revenues allocated to each such county shall be determined in proportion to the population of the Sponsoring Municipality residing in such county as determined by the most recent federal decennial census,

(ii) one-half of the amount of Net Revenues allocated to any county shall be used for county-wide purposes (including both incorporated and unincorporated areas) in such manner as shall be determined by the governing body of such county, and

(iii) one-half of the amount of Net Revenues allocated to any county shall be used to defray the cost of governmental operations conducted in the unincorporated parts of such county or shall otherwise be used for the exclusive benefit of the unincorporated parts of such county in such manner as shall be determined by the governing body thereof;

(3) if the Board of Trustees of the University of Alabama operates a college, graduate school, extension center or other educational facility located in any county in which the Sponsoring Municipality or any part thereof shall be located, nine percent (9%) of the Net Revenues shall be allocated to the Board of Trustees of the University of Alabama, subject to the conditions that

(i) such amount shall be used exclusively in the county or counties in which the Sponsoring Municipality or any part thereof shall be located;

(ii) one twelfth (1/12) of the amount of Net Revenues allocated to the Board of Trustees of the University of Alabama shall be used for the support of any programs operated for the correction or treatment of learning disorders of any kind or research into the causes of such disorders, and if no such programs are operated by the Board of Trustees of the University of Alabama in the county or counties in which the Sponsoring Municipality or any part thereof shall be located, such portion of the Net Revenues shall be

used in such county or counties for such other purposes or programs as may be determined by said Board of Trustees, and

(iii) one twelfth (1/12) of the amount of Net Revenues allocated to the Board of Trustees of the University of Alabama shall be used for the support of any programs or laboratories operated for research in virology, and if no such programs or laboratories are operated by the Board of Trustees of the University of Alabama in the county or counties in which the Sponsoring Municipality or any part thereof shall be located, such portion of the Net Revenues shall be used in such county or counties for such other purposes or programs as may be determined by said Board of Trustees;

(4) three percent (3%) of the Net Revenues shall be allocated in total to public junior colleges [other than any public junior colleges described in paragraph (5) of this section] located in the county or counties in which the Sponsoring Municipality or any part thereof shall be located; and if there shall be more than one of such public junior colleges, the said three percent of the Net Revenues shall be apportioned equally among such colleges;

(5) two percent (2%) of the Net Revenues shall be allocated in total to public junior colleges which are located in the county or counties in which the Sponsoring Municipality or any part thereof shall be located and the student enrollment of which is predominantly drawn from economically disadvantaged minorities; and if there shall be more than one of such public junior colleges, the said two percent of the Net Revenues shall be apportioned equally among such colleges;

(6) two percent (2%) of the Net Revenues shall be allocated in total to public technical colleges located in the county or counties in which the Sponsoring Municipality or any part thereof shall be located; and if there shall be more than one of such public technical colleges, the said two percent of the Net Revenues shall be apportioned equally among such colleges;

(7) two percent (2%) of the Net Revenues shall be allocated to any public corporation or authority which provides public transportation in an area including the Sponsoring Municipality;

(8) seventeen percent (17%) of the Net Revenues shall be allocated in total to all county, municipal, district or other public school systems operating primary and/or secondary schools in any county or counties in which the Sponsoring Municipality shall be located; and if there shall be more than one of such school systems, the said seventeen percent of the Net Revenues shall be allocated to such school systems in proportion to their average daily attendance during the most recently completed school year;

(9) if any incorporated municipalities other than the Sponsoring Municipality are located in the county or counties in which the Sponsoring Municipality or any part thereof shall be located, six percent (6%) of the Net Revenues shall be allocated in total to such other municipalities; and if there shall be more than one of such municipalities, the said six percent of the Net Revenues shall be allocated to such municipalities in proportion to their population as determined by the most recent federal decennial census;

(10) Five and one-half percent of the net revenues shall be allocated in total to any public fire districts or volunteer fire departments organized and operating in the county or counties in which the sponsoring municipality or any part thereof shall be located; and if there shall be more than one of such fire districts or volunteer fire departments, the said five and one-half percent of the net revenues shall be allocated as follows:

a. Among such fire districts and volunteer fire departments in proportion to the approximate number of single family residences and other buildings provided fire protection thereby, which number in the case of a public fire district shall be the paid membership thereof and in the case of a volunteer fire department shall be a census of the number of protected residences and other buildings confirmed by affidavit of the chief executive of such volunteer fire department.

(11) two percent (2%) of the Net Revenues shall be allocated in total to any hospitals which are owned by any county, municipality or public corporation or authority and which are located in the county or counties in which the Sponsoring Municipality shall be located; and if there shall be more than one of such hospitals, the said two percent of the Net Revenues shall be allocated to such hospitals in proportion to their average patient census during the most recently completed annual period selected by the Commission for the purpose of making such allocation;

(12) one-half of one percent ($\frac{1}{2}\%$) of the Net Revenues shall be allocated in total to any public authority or corporation at any time created by law to alleviate or solve, or to assist in the alleviation or solution of, flooding problems caused by creeks in the Sponsoring Municipality and Host County as the result of heavy rainfall; and if no such authority or corporation shall be in existence at the time of any allocation required to be made pursuant to this paragraph (12), such allocation shall be made to the Sponsoring Municipality for use in alleviating or solving such flooding problems, provided that the Sponsoring Municipality may use such allocation for other purposes if its governing body shall determine that no such flooding problems occur in the Sponsoring Municipality;

(13) one percent (1%) of the Net Revenues shall be allocated to the Tannehill Furnace and Foundry Commission established pursuant to Code of Alabama 1975, §§ 41-9-320 through 41-9-330, inclusive;

(14) one-half of one percent ($\frac{1}{2}\%$) of the Net Revenues shall be allocated in total to the civil defense department at the time and from time to time maintained or administered by the Sponsoring Municipality;

(15) one percent (1%) of the Net Revenues shall be allocated to the Alabama State Fair Authority established pursuant to Act No. 215 enacted at the 1947 Regular Session of the Legislature of Alabama; and

(16) if and to the extent that the allocations of Net Revenues described in this paragraph can be lawfully made to recipients satisfying the applicable conditions as herein set forth, the Commission shall allocate and disburse the following percentages of the Net Revenues for the following purposes:

(i) three percent (3%) of the Net Revenues shall be allocated in total to private, not-for-profit colleges which are located outside the corporate limits of the Sponsoring Municipality in any incorporated or unincorporated part of any county in which the Sponsoring Municipality or any part thereof shall be located and the student enrollment of which is predominantly drawn from economically disadvantaged minorities;

(ii) three percent (3%) of the Net Revenues shall be allocated in total to private, not-for-profit law schools which are located outside the corporate limits of the Sponsoring Municipality in any incorporated or unincorporated part of any county in which the Sponsoring Municipality or any part thereof shall be located and the student enrollment of which is predominantly drawn from economically disadvantaged minorities, it being ex-

pressly provided that the receipt by a college of any amount pursuant to the provisions of subparagraph (i) of this paragraph (16) shall not disqualify any law school affiliated with such college from receiving any amount for which such law school would otherwise qualify pursuant to the provisions of this subparagraph;

(iii) one-half of one percent ($\frac{1}{2}\%$) of the Net Revenues shall be allocated in total to private, not-for-profit colleges which are located in the Sponsoring Municipality and the student enrollment of which is predominantly drawn from economically disadvantaged minorities;

(iv) one percent (1%) of the Net Revenues shall be allocated in total to not-for-profit organizations, whether public or private, which operate in any county in which the Sponsoring Municipality or any part thereof shall be located and which promote, undertake or otherwise assist the career orientation, training and employment of persons belonging to economically disadvantaged minorities;

(v) one percent (1%) of the Net Revenues shall be allocated in total to not-for-profit organizations, whether public or private, that are located in the Sponsoring Municipality and that promote economic development in the Sponsoring Municipality and the surrounding metropolitan area;

(vi) five percent (5%) of the Net Revenues shall be allocated in total to private not-for-profit hospitals located in the Sponsoring Municipality that primarily provide care for children;

(vii) one percent (1%) of the Net Revenues shall be allocated in total to not-for-profit organizations, whether public or private, which are located in any county in which the Sponsoring Municipality or any part thereof shall be located and which sponsor, promote or conduct research and education related to the cure or control of sickle cell anemia or provide treatment or other aid for victims of that disease;

(viii) subject to the provisions of subparagraph (ix) of this paragraph (16), one and one-half percent ($1\frac{1}{2}\%$) of the Net Revenues shall be allocated in total to not-for-profit organizations (including any particular branch thereof) which are located in the Sponsoring Municipality (including, without limitation thereto, organizations such as the Young Men's Christian Association and the Young Women's Christian Association) and which provide educational and recreational activities for young persons predominantly belonging to economically disadvantaged minorities;

(ix) the provisions of subparagraph (viii) of this paragraph (16) to the contrary notwithstanding, if any Commission shall be created pursuant to this act for which the Sponsoring Municipality shall be the City of Birmingham, then, and in such case, one-half of one percent ($\frac{1}{2}\%$) of the Net Revenues of such Commission shall be deducted from the amount to be allocated pursuant to the said subparagraph (viii) and shall instead be allocated to Partners in Neighborhood Growth for use in providing recreational or educational activities for young persons;

(x) one and one-half percent ($1\frac{1}{2}\%$) of the Net Revenues shall be allocated in total to not-for-profit organizations (including particularly any research development and scholastic assistance fund), whether public or private, which are located in any county in which the Sponsoring Municipality or any part thereof shall be located and which promote and encourage scientific or technical research or education at the secondary and college levels by any means, including (without limitation thereto) financial assistance to schools and students, the development of improved curricula, and the train-

ing of teachers; provided, however, that if any Commission shall be created pursuant to this Act for which the Sponsoring Municipality shall be the City of Birmingham, then, and in such case, the one and one-half percent of the Net Revenues of such Commission referred to in this subparagraph (x) shall be allocated in its entirety to the Research, Development and Scholastic Assistance Fund for Science and Technology, Inc., a private, not-for-profit corporation organized under the laws of Alabama;

(xi) one percent (1%) of the Net Revenues shall be allocated to the local chapter or affiliate of The National Urban League that is based in the Sponsoring Municipality;

(xii) one percent (1%) of the Net Revenues shall be allocated to the local chapter or affiliate of the United Cerebral Palsy Association, Inc. that is based in the Sponsoring Municipality;

(xiii) one-half of one percent ($\frac{1}{2}\%$) of the Net Revenues shall be allocated in total to private, not-for-profit organizations which are located in the Sponsoring Municipality and which sponsor and promote ballet and similar forms of the art of dance by any means, including the training of dancers and the giving of performances; and

(xiv) one-half of one percent ($\frac{1}{2}\%$) of the Net Revenues shall be allocated in total to not-for-profit organizations which are located in the Sponsoring Municipality and which assist and coordinate the activities of artists or groups of artists which perform or display their works within the Sponsoring Municipality.

Except as may herein be specifically provided otherwise, if there shall at any time exist more than one institution or organization which qualifies for a portion of any generic allocation of Net Revenues made pursuant to any of subparagraphs (i) through (xiv), inclusive, of paragraph (16) of this section, then, and in such case, a Commission shall apportion such allocation among all institutions or organizations which evidence to such Commission (in such manner as it shall reasonably require) their respective qualifications to receive a portion of such allocation. Any such allocation shall be apportioned among the qualifying institutions and organizations of each generic category in an equitable manner to be determined by the Commission, taking into account the relative scale of activities of each qualifying institution or organization, the number of persons served thereby or other relevant factors. A Commission shall have reasonable discretion in determining whether, in the light of the legislative intent, a particular institution or organization shall be entitled to an allocation of any portion of the Net Revenues pursuant to the provisions of this section.

A Commission and the individual Members thereof shall be fully protected against any charge of malfeasance in relying upon an opinion of the Attorney General of the State of Alabama that a portion of the Net Revenues may be lawfully allocated and paid to any institution or organization pursuant to any of the provisions of paragraph (16) of this section, unless a court of competent jurisdiction shall declare invalid the allocation of Net Revenues to any such institution or organization.

If any allocation of any portion of the Net Revenues pursuant to any provision of this section cannot be made for any reason (including, without limitation thereto, the legal invalidity of the provisions of this Act authorizing such allocation, lack of lawful authority by a Commission to make such allocation, the nonexistence of any public body or any public or private institution or organization entitled to receive such allocation, or any other

failure to satisfy the conditions of such allocation), then, and in such case, the failure of such allocation shall not impair the validity or effectiveness of any part of this Act other than the provisions hereof specifically providing for such allocation, nor shall the failure of such allocation adversely affect any other allocation of Net Revenues under this Act. Any portion of the Net Revenues that, for any reason, cannot be allocated in accordance with the specific provisions of any of paragraphs (1) through (16) of this section shall be apportioned among those governmental bodies, institutions and organizations actually receiving lawful allocations hereunder in proportion to the respective amounts of Net Revenues which would have been allocated to such governmental bodies, institutions and organizations if there had been no need to reallocate any Net Revenues that could not be allocated in accordance with the specific provisions of said paragraphs (1) through (16).

It is hereby expressly declared that the primary purpose of this Act is to provide a means for permitting and regulating horse racing and pari-mutuel wagering thereon in Class 1 municipalities and, further, that it is not a primary purpose of this Act to provide funds for the various governmental bodies and public or private institutions and organizations to which allocations of portions of the Net Revenues of each Commission are made pursuant to this section. The Legislature recognizes that one or more of such governmental bodies, institutions or organizations may not exist in the Sponsoring Municipality or in the surrounding county or counties, as the case may be, and that, even if the intended recipients do exist and satisfy the applicable conditions, any one or more of such allocations of the Net Revenues may fail because of legal invalidity or other reasons. The allocations of Net Revenues made pursuant to this section represent the legislative effort to confer an incidental benefit upon a wide spectrum of governmental and charitable activities, all of which may not be present in the same degree in every Class 1 municipality subject to this Act. Therefore, the legal invalidity or other failure of one or more allocations of Net Revenues made pursuant to this section should not impair the general validity of this Act or prevent the provisions hereof, other than those relating to the invalid or ineffective allocations, from being implemented as a coherent whole. If and to the extent that any allocation of Net Revenues made to any governmental body or any institution or organization is of such character as to cause this Act to be a local act, it is the legislative intent that the provisions for such allocation be severed from this Act and thereby prevented from causing this Act to be a local act.

Section 37. Conducting Race Without License and Wagering Thereon Prohibited. Any person who directly or indirectly holds any horse race without having procured a license as prescribed in this Act, shall be guilty of a misdemeanor. Any person wagering upon the results of such a race, except in the case of pari-mutuel wagering conducted by an Operator in accordance with the provisions of this Act, shall be guilty of a misdemeanor. Upon conviction of any of the above misdemeanors in a court of competent jurisdiction, the penalty shall be a fine of not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1,000), or imprisonment of not less than five days nor more than six months, or both, such fine and imprisonment to be in the discretion of the court.

Section 38. Disqualification Due to Gambling Activities. No person who engages in the practice of professional gambling on horse races, or in the practice of making gambling or wagering books on such races, or who knowingly takes any part in such practice, shall be eligible as an applicant for any license or permit to own or operate a racetrack or conduct racing activities under the provisions of this Act, or to be connected therewith

in any capacity, and any corporation, partnership or other entity which has an officer, director, stockholder, partner or executive or who employs any person who engages in such practices shall likewise be ineligible as a licensee, and each Commission is hereby empowered to inquire into such matters in entertaining any such application and otherwise in administering this Act.

Section 39. Tampering with Horses Prohibited. No person shall influence or have any understanding or connivance with any owner, trainer, jockey, driver, groom or other person associated or interested in any stable, horse or race in which any horse participates, to prearrange or predetermine the results of any such race, nor shall any person stimulate or depress a horse, for the purpose of affecting the results of a race, by use of any electrical device or any electrical equipment or by any mechanical or other device not generally accepted as regulation racing equipment, nor shall any person stimulate or depress a horse through the administration of any drug or chemical, or knowingly enter any horse in any race within a period of twenty-four hours after any drug or chemical has been administered to such horse, for the purpose of increasing or retarding the speed of such horse.

No person shall, except for medical purposes, administer any poison, drug, medicine or other substance to any horse entered or about to be entered in any race, or expose such substance to a horse with the intent that it be taken, or cause any foreign substance to be taken by or placed upon or in the body of such horse, with intent to impede or increase its speed, endurance, health or physical or mental condition.

Any person violating the provisions of this section shall be guilty of a felony and, upon conviction thereof, shall be imprisoned for not less than one year nor more than ten years, or fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), or both, in the discretion of the court.

Section 40. Transmission of Racing Information Prohibited. With the exception of television or radio coverage of races authorized in accordance with Section 32 of this Act, it shall be unlawful for any person to transmit or communicate to another by any means whatsoever the results, changing odds, track conditions, or other information relating to any horse race from any racetrack in any Sponsoring Municipality between the period of time beginning one hour prior to the first race of the day and ending thirty (30) minutes after the posting of the official results of each race, as to that particular race, except this period may be reduced to permit the transmitting of the result of the last race each day not sooner than fifteen (15) minutes after the official posting of such results; provided, however, that each Commission may by rule permit the immediate transmission by radio, television (other than television or radio coverage pursuant to Section 32 hereof), or press wire of any pertinent information concerning feature races.

It shall be unlawful for any person to transmit by any means whatsoever racing information to any other person or relay the same to any other person by word of mouth, by signal, or by use of telephone, telegraph, radio or any other means when the information is knowingly used or intended to be used for illegal gambling purposes or in furtherance of such gambling purposes.

Any person violating the provisions of this section shall be guilty of a felony and, upon conviction, shall be imprisoned for not less than one year nor more than ten years, or fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), or both, in the discretion of the court.

Section 41. Possession of Certain Drugs Prohibited. The possession or transportation of any drug or chemical except those permitted by regulations of the appropriate Commission within the racing enclosure is prohibited except upon a bona fide veterinarian's prescription with complete statement of uses and purposes on the container. A copy of such prescription shall be filed with the stewards.

Section 42. Misuse of License. Any credential, license or permit issued by a Commission, if used by the holder thereof for a purpose other than identification and in the performance of legitimate duties on a racetrack, shall be automatically revoked whether so used on or off a racetrack.

Section 43. Racing under Unregistered Name Prohibited. No person shall knowingly enter or race any horse in any running or harness race under any name or designation other than the name or designation assigned to such horse by and registered with the Jockey Club, the United States Harness Association or other applicable association or knowingly instigate, engage in or in any way further any act by which any horse is entered or raced in any running or harness race under any name or designation other than the name or designation duly assigned by and registered with the Jockey Club, the United States Harness Association or other applicable association.

Section 44. Wagering by Underage Persons Prohibited. No person shall wager on or conduct any wagering on the outcome of a horse race pursuant to the provisions of this Act unless such person be twenty-one years of age or older. No person shall accept any wager from a person under the age of twenty-one years.

Section 45. Exemption from Jurisdiction of State Racing Commission. In the event that a State Racing Commission shall be created, organized or established at any time, whether before or after the effective date of this Act, each Commission created hereunder and all Owners and Operators licensed thereby shall be exempt from the jurisdiction of such State Racing Commission and from the force and effect of all laws providing for or relating to such State Racing Commission for a period beginning with the effective date of this Act and continuing until the fifth (5th) anniversary of the date on which racing events shall first be conducted under the jurisdiction of such Commission created hereunder. It is hereby expressly declared that no act enacted at the session of the Legislature during which this Act is enacted or at any subsequent session shall be construed to effect a repeal or negation of the exemption conferred by this section, whether by implication or otherwise, in the absence of a provision in such act expressly repealing the provisions of this section.

Section 46. County-Wide Referendum to Approve Pari-Mutuel Wagering. Pari-mutuel wagering with respect to horse racing may not be conducted in the State within the corporate limits of any Class I municipality unless the conduct of such pari-mutuel wagering within such municipality shall have been approved at a referendum at which all of the qualified voters residing in the county or counties in which such municipality, or any part thereof, is located are permitted to cast votes.

In order to satisfy the requirement imposed by this section, any referendum called and held pursuant to and in accordance with the provisions of Section 4 of this Act for the purpose of determining whether a Commission shall be incorporated for a Class I municipality shall be converted into a referendum permitting participation by all qualified voters residing within the county or counties in which such municipality, or any part thereof, is

located. In the event that a referendum for any municipality shall be converted to a referendum in any county or counties pursuant to this section, the conduct of pari-mutuel wagering within such municipality shall be deemed to have been approved at such referendum for the purposes of this section only if it shall have been approved by both (i) a majority of all of the voters casting votes in such referendum and (ii) a majority of the voters casting votes in such referendum who reside in such municipality. If pari-mutuel wagering is not approved in any referendum conducted pursuant to this section, whether because of an unfavorable majority of all votes cast or because of an unfavorable majority of the votes cast by voters residing in the municipality involved, then any subsequent referendum called and scheduled by the governing body of such municipality in accordance with the provisions of Section 4 of this Act may be used to satisfy the requirement of this section, but only if such referendum is converted into a referendum permitting participation by all qualified voters residing within the county or counties in which such municipality, or any part thereof, is located.

Anything contained herein to the contrary notwithstanding, the provisions of this section providing for the conduct of county-wide referenda are hereby expressly declared to be severable from the other provisions of this Act, and if such provisions of this section shall be determined by any court of competent jurisdiction to be invalid because of any defect in the notice required to be published with respect to this Act by Sections 106 and 110 of the Constitution of Alabama, as amended, or to be invalid for any other reason, such determination shall not affect, impair or invalidate the remaining provisions of this Act (including, without limitation, the provisions of Section 4 hereof).

Section 47. Severability. The provisions of this Act are expressly declared to be severable. If any provision of this Act shall be adjudged to be invalid by any court of competent jurisdiction (including, without limitation thereto, any particular allocation of Net Revenues or other provision which, if not severed from this Act, would cause it to be a local act in violation of any constitutional limitation or condition applicable to local acts), such provision shall be severed from this Act in order to effectuate the legislative intent that such judgment shall not affect, impair or invalidate the remainder of this Act, and the operation of such judgment shall be limited to the provision thereof directly involved in the action in which such judgment shall have been rendered.

Section 48. Provisions of this Act Control. Insofar as the provisions of this Act may be inconsistent with the provisions of any other law concerning activities and actions authorized by this Act, the provisions of this Act shall control, it being specifically declared that any other provisions of existing law that prohibit or regulate horse racing, gambling or pari-mutuel wagering shall not be applicable to any activities or actions authorized by this Act.

Section 49. Section Captions. The section headings or captions contained this Act are included for convenience only and should not be considered a part of this Act or affect in any manner the construction or interpretation of this Act.

Section 50. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

MOTION TO RECESS LOST

At 12:10 P.M., Senator Goodwin moved the Senate take a recess until 3 o'clock P.M., which motion was lost.

FURTHER CONSIDERATION OF H. B. 13

The Senate proceeded to further consideration of the Bill, H. B. 13. The question was on the substitute offered by Senator Hilliard.

Senator Bishop moved that said substitute be laid on the table, which motion was lost.

And said substitute for the Bill, H. B. 13, was then adopted.

Yeas 13; Nays 8.

Yeas:

Senators:	Cabaniss	Hilliard	Pearson
Amari	Cooley	Langford	Strong
Bedsole	Dixon	Parsons	Teague
Bennett	Figures		

—13

Nays:

Senators:	Corbett	deGraffenried	Foshee
Aldridge	Covington	Denton	Goodwin
Bishop			

—8

And said Bill, H. B. 13, as amended by the substitute, was read a third time at length and passed.

Yeas 12; Nays 9.

Yeas:

Senators:	Cooley	Hilliard	Parsons
Bedsole	Dixon	Langford	Pearson
Bennett	Figures	Menton	Teague
Cabaniss			

—12

Nays:

Senators:	Bishop	deGraffenried	Foshee
Aldridge	Corbett	Denton	Goodwin
Bedford	Covington		

—9

Senator Hilliard moved that the Senate reconsider the vote by which the Bill, H. B. 13, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

RECESS

At 3:30 P.M., on motion of Senator Cooley, the Senate took a recess until 4 o'clock P.M.

The recess period having expired, at 4 o'clock P.M., the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

RESOLUTIONS

Senator Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 117. MOURNING THE DEATH OF MR. CYRUS E. NEWMAN, PROMINENT ALABAMA CONSERVATIONIST.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the death of Mr. Cyrus E. Newman of Auburn, Alabama, on February 29, 1984; and

WHEREAS, Mr. Newman, who retired in 1960 as Assistant State Conservationist for the USDA Soil Conservation Service, was a native of Goodwater, Alabama, and was a graduate of Auburn University where he was tapped for membership in Phi Kappa Phi and Gamma Sigma Delta national honoraries; and

WHEREAS, a former educator and employee of the Alabama Cooperative Extension Service, Mr. Newman joined the SCS staff in 1934, serving in Dadeville and Birmingham prior to being named Assistant State Conservationist for the agency in Auburn; and

WHEREAS, in tribute to his expertise and in recognition of distinguished professional service, he was named Outstanding Conservationist of the year for Alabama in 1981, and was named in 1975 as a Fellow of the Soil Conservation Society of America, which is the organization's highest honor conferred on its members; and

WHEREAS, Mr. Newman's activities extended further to include long-time involvement and service in numerous civic and community affairs including the First Baptist Church in Auburn, Kiwanis Club of Auburn and the Alabama Sheriffs' Girls' Ranch near Dadeville; and

WHEREAS, the death of Mr. Cyrus Newman has indeed left a deep void in the community and in the hearts of all those whose lives he touched and those who so greatly benefitted from his professional expertise and his many acts of kindness, prompted in genuine concern for others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. Cyrus E. Newman of Auburn, Alabama, and extend our very deepest sympathy to his beloved wife, Mrs. Mary Emma McThail Newman, and his sister, Mrs. Mary N. Thompson, whose sorrow we share and for whom a copy of this resolution shall be provided.

Which was read and referred to the Standing Committee on Rules.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 118. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the thirteenth legislative day of the 1984 Regular Session only:

Inst Id		Page
S. 389	Etowah Co., fire district tax levied, consti. amend.	78
S. 321	Electric suppliers, service territories estab. to elim. dup. of retail electric service within certain municipalities; supp. reg.	70

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S. 114	Alcoholic beverages; sales territories for manufacturers and importers reg.	3
S. 274	Mental Health officials, deposition in crim. case, taking auth., Sec. 22-50-22 am'd.	36
S. 262	Law enforcement officers and firemen, death benefits to survivors incr., Sec. 36-30-2 am'd.	34
S. 130	Nonprofit Corp. Act.	27
S. 356	County commission membs. and Revenue Commissioners, min. salary reg., Sec. 11-3-4.1 am'd.	44
S. 337	Colleges, teachers, salary discrimination, prohib.	65

On motion of Senator Parsons, the Resolution was adopted by the Senate.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 389. To propose an amendment to Amendment No. 432 of the Constitution of Alabama of 1901, relating to fire protection districts in Etowah County, so as to provide for the levy and collection of additional property tax for fire protection in such districts.

And said Bill, S. B. 389, was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0

Yeas:

Senators:	Cabaniss	Ellis	Mitchem
Aldridge	Cooley	Foshee	Parsons
Amari	Covington	Hand	Smith (B)
Barron	Denton	Holmes	Smith (J)
Bedford	Dial	Little	Strong
Bedsole	Dixon	Menton	Teague
Bennett	Drinkard		

—25

Nays: —0

The Bill:

S. 321. To establish service territories for electric suppliers within the State; to provide the means of eliminating or reducing the potential for duplication of electric distribution facilities used for furnishing retail electric service; to mandate and implement the determination of which electric supplier shall furnish retail electric service to electric customers within various areas of the State including areas within present and future corporate limits of municipalities; to provide that the primary electric supplier within each municipality in the State shall have the right, at its option, to purchase all distribution facilities of any secondary electric supplier used to supply retail electric service within the existing municipal limits and have the right to serve all premises within the existing municipal limits, subject to certain conditions; to define the right and obligation of municipalities and municipally-owned electric suppliers to provide electric service in areas outside the existing municipal limits; to provide for resolution of disputes between elec-

tric suppliers regarding sale or purchase of electric facilities; to provide for the applicability of certain provisions of Title 37, Code of Alabama (1975); to provide exemptions from the provisions of this Act for certain agreements between electric suppliers; to prohibit the providing of electric service in violation of this Act; to provide for judicial review and validation of the provisions of this Act by the courts and sets out procedures governing such proceedings and appeals therefrom; provides that the provisions of the Act are not severable and that if any provision is declared invalid under state law, the remaining provisions also shall be invalid, and further provides that if the Act is declared invalid, any actions taken by any party in conformity with the provisions of the Act shall be lawful but that any electric service rendered pursuant to the provisions of the Act shall be terminated; and to repeal all laws or parts of laws in conflict herewith.

was taken up.

Senators Foshee, Cooley, Mitchem, Denton, and Aldridge offered the following amendment to the Bill, S. B. 321, to-wit:

AMENDMENT TO S. B. 321

Amend S. 321 by striking the paragraph which begins with the word "All" on page 17, line 32 and ends with the word "void" on page 17, line 35 and substituting in lieu thereof the following:

"Subsequent to the effective date of this act, Suppliers shall be permitted to enter into mutual agreements, approved by the respective governing bodies of all Suppliers affected by the agreement, respecting the nonduplication of lines, that are consistent with the purposes and policies set forth in this act; provided, however, that no subsequent agreement shall be valid unless and until it has been reviewed and approved by the Legislature and the Legislature's approval has been evidenced by an amendment to this section of the act enacted prior to July 1, 1985."

MOTION TO ADJOURN

Senator Teague moved that when the Senate adjourns today, it adjourn to meet again on Thursday, March 29, 1984, at 10 o'clock A.M., which motion was adopted.

FURTHER CONSIDERATION OF S. B. 321

The Senate proceeded to further consideration of the Bill, S. B. 321. The question was on the amendment offered by Senators Foshee, Cooley, Mitchem, Denton, and Aldridge.

And said amendment was then adopted by the Senate.

Yeas 23; Nays 0.

Yeas:

Senators:	Bishop	Ellis	Little	
Aldridge	Cooley	Foshee	Menton	
Bailey	Covington	Goodwin	Mitchem	
Barron	deGraffenried	Hand	Parsons	
Bedford	Denton	Holmes	Strong	
Bedsole	Drinkard	Langford	Teague	—23

Nays:

—0

Senator Bailey offered the following amendment No. 1 to the Bill, S. B. 321, as amended, to-wit:

AMENDMENT TO S. B. 321, AS AMENDED

I move to amend Senate Bill number 321, page 1, line 19, by adding after the word "limits" the following:

"of electric municipalities and"

and further at page 1, line 20 by adding before the word "municipalities" the following:

"other"

and further at page 1, line 24 by adding after the word "limits" the following:

"of each electric municipality plus an area 100% greater than the area contained within the existing municipal limits of the electric municipality and within the existing municipal limits of each other municipality"

and further at page 1, line 26 by adding after the word "limits" the following:

"of each electric municipality plus an area 100% greater than the area contained within the existing municipal limits of the electric municipality and within the existing municipal limits of each other municipality, respectively"

and further at page 2, line 26, by adding after the word "future" the following:

"corporate limits of electric municipalities and"

and further at page 2, line 26, by adding after the word "of" the following:

"other"

and further at page 2, line 30 by adding after the word "limits" the following:

"of each electric municipality plus an area 100% greater than the area contained within the existing municipal limits of the electric municipality and within the existing municipal limits of each other municipality"

and further at page 2, line 32 by adding after the word "limits" the following:

"of each electric municipality plus an area 100% greater than the area contained within the existing municipal limits of the electric municipality and within the existing municipal limits of each other municipality"

and further at page 4, line 9 by adding after the word "of" the following:

"electric municipalities and corporate limits of other"

and further at page 6, line 18 by inserting prior to the beginning of section 3 of the bill, the following additional definitions:

"(k) 'Electric Municipality' means any incorporated city, town or other municipality in the state of Alabama which owns, maintains and operates, or causes to be owned, maintained and operated its own electric distribution

system. If any city, town or other municipalities heretofore created and established, or hereafter creates and establishes, a public corporation pursuant to section 11-50-310 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, an improvement authority pursuant to section 39-7-1 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, a municipal electric utility board pursuant to section 11-50-490 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, or a municipal power district pursuant to section 37-5-1, et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, then the words 'Electric Municipality' shall refer to the public corporation, improvement authority, utility board or municipal power district, as the case may be, and not to the city, town or other municipality creating and establishing it, unless the context indicates otherwise, so that the public corporation, improvement authority, utility board or municipal power district shall exercise all powers granted by this act to, and undertake all obligations imposed by this act on, the city, town or other municipality creating and establishing it.

(l) 'Other Municipality' means any incorporated city, town or other municipality in the state of Alabama which does not own, maintain or operate its own electric distribution system or cause to be owned, maintained or operated its own electric distribution system, and has not heretofore created and established and does not hereafter create and establish, a public corporation pursuant to section 11-50-310 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, an improvement authority pursuant to section 39-7-1 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, a municipal electric utility board pursuant to section 11-50-490 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, or a municipal power district pursuant to section 37-5-1, et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import

and further at page 6, line 19 by adding after the word "Limits" the following:

"of Electric Municipalities and Existing Municipal Limits of Other Municipalities"

and further at page 6, line 21 by adding after the word "limits" the following:

"of electric municipalities plus an area 100% greater than the area contained within the existing municipal limits of the electric municipality and outside existing municipal limits of other municipalities"

and further at page 6, line 32 by adding after the word "limits" the following:

"of electric municipalities and existing municipal limits of other municipalities"

and further at page 6, line 36 by adding after the word "outside" the following:

"an area 100% greater than the area contained within the"

and further at page 6, line 36 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 7, line 12 by adding after the word "outside" the following:

"an area 100% greater than the area contained within the"

and further at page 7, line 12 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 7, line 20 by adding after the word "limits" the following:

"of electric municipalities plus an area 100% greater than the area contained within the existing municipal limits of the electric municipality and within existing municipal limits of other municipalities"

and further at page 7, line 25 by adding after the word "outside" the following:

"an area 100% greater than the area contained within the"

and further at page 7, line 25 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 7, line 29 by adding after the word "outside" the following:

"an area 100% greater than the area contained within the"

and further at page 7, line 29 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 8, line 4 by adding after the word "outside" the following:

"an area 100% greater than the area contained within the"

and further at page 8, line 4 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 8, line 22 by adding after the word "within" the following:

"an area 100% greater than the area contained within the"

and further at page 8, line 22 by adding after the word "limits" the following:

"of electric municipalities and within existing municipal limits of other municipalities"

and further at page 9, line 4 by adding after the word "Within" the following:

“and Beyond the Municipal Limits of Electric Municipalities and Within the Municipal Limits of Other”

and further at page 9, line 5 by adding after the word “Within” the following:

“and Beyond”

and further at page 9, line 6 by adding after the word “Limits” the following:

“of Electric Municipalities and Existing Municipal Limits of Other Municipalities”

and further at page 9, line 7 by adding after the word “municipality” the following:

“, and, in the case of an electric municipality, within an area 100% greater than the area contained within its existing municipal limits,”

and further at page 9, line 10 by adding after the word “limits” the following:

“of each electric municipality plus an area 100% greater than the area contained within its existing municipal limits and within the existing municipal limits of each other municipality”

and further at page 9, line 12 by adding after the word “limits” the following:

“of each such electric municipality plus an area 100% greater than the area contained within its municipal limits and within the existing municipal limits”

and further at page 9, line 12 by adding after the word “such” the following:

“other”

and further at page 9, line 14 by adding after the word “option” the following:

“respecting the distribution facilities of secondary suppliers within the existing municipal limits of electric municipalities plus an area 100% greater than the area contained within those municipal limits and within the existing municipal limits of other municipalities”

and further at page 9, line 18 by adding after the word “Act” the following sentence:

“The primary electric supplier must announce its intention to exercise its option respecting the distribution facilities of secondary suppliers in areas annexed within an area 100% greater than the area contained within the existing municipal limits of electric municipalities to electric municipalities in writing by registered or certified mail to the affected secondary suppliers within the annexed area, addressed to the chief executive officer or manager of such secondary supplier, no later than nine (9) months after the effective date of the annexation of the affected area.”

and further at page 11, line 10 by adding after the word “municipality” the following:

“, and, as areas within an area 100% greater than the area contained

within its existing municipal limits are annexed by the electric municipality, within those annexed areas”

and further at page 11, line 18 by adding after the word “limits” the following:

“of the electric municipality plus an area 100% greater than the area contained within its existing municipal limits or within the existing municipal limits”

and further at page 11, line 18 by adding after the word “the” and before the word “municipality” the following:

“other”

and further at page 11, line 19 by adding after the word “municipality” the following:

“, as the case may be,”

and further at page 12, line 14 by adding before the word “municipal” the following:

“municipal limits of any electric municipality plus an area 100% greater than the area contained within its existing municipal limits and within the existing”

and further at page 12, line 14 by adding after the word “any” the following:

“other”

and further at page 14, line 4 by deleting the following:

“within the existing municipal limits”

and substituting therefor the following:

“being served by the distribution facilities subject to the purchase option”

and further at page 14, line 12 by adding after the word “limits” the following:

“of an electric municipality plus an area 100% greater than the area contained within its existing municipal limits and within the existing municipal limits of an other municipality”

and further at page 14, line 27 by adding after the word “limits” the following:

“of an electric municipality plus an area 100% greater than the area contained within its existing municipal limits and within the existing municipal limits of an other municipality”

On motion of Senator Foshee, said amendment was laid on the table.

Senator Bailey then offered the following amendment No. 2 to the Bill, S. B. 321, as amended, to-wit:

AMENDMENT NO. 2 TO S. B. 321, AS AMENDED

I move to amend Senate Bill number 321, page 1, line 19, by adding after the word “future” the following:

“police jurisdictions of electric municipalities and”

and further at page 1, line 20 by adding before the word "municipalities" the following:

"other"

and further at page 1, line 24 by adding after the word "existing" the following:

"police jurisdiction of each electric municipality and the existing"

and further at page 1, line 24 by adding after the word "limits" the following:

"of each other municipality"

and further at page 1, line 25 by adding after the word "existing" the following:

"police jurisdiction of each electric municipality and the existing"

and further at page 1, line 26, by adding after the word "limits" the following:

"of each other municipality, respectively"

and further at page 1, line 29, by adding after the word "existing" the following:

"police jurisdictions of electric municipalities and the existing"

and further at page 1, line 29, by adding after the word "limits" the following:

"of other municipalities"

and further at page 2, line 26, by adding after the word "future" the following:

"police jurisdictions of electric municipalities and"

and further at page 2, line 26, by adding after the word "of" the following:

"other"

and further at page 2, line 30 by adding after the word "existing" the following:

"police jurisdiction of each electric municipality and the existing"

and further at page 2, line 30 by adding after the word "limits" the following:

"of each other municipality"

and further at page 2, line 31 by adding after the word "existing" the following:

"police jurisdiction of each electric municipality and the existing"

and further at page 2, line 32 by adding after the word "limits" the following:

"of each other municipality"

and further at page 2, line 35 by adding after the word "existing" the following:

"police jurisdictions of electric municipalities and the existing"

and further at page 2, line 35 by adding after the word "limits" the following:

"of other municipalities"

and further at page 4, line 9 by adding after the word "future" the following:

"police jurisdictions of electric municipalities and"

and further at page 4, line 9 by adding after the word "of" the following:

"other"

and further at page 6, line 18 by inserting prior to the beginning of section 3 of the bill, the following additional definitions:

"(k) 'Electric Municipality' means any incorporated city, town or other municipality in the state of Alabama which owns, maintains and operates, or causes to be owned, maintained and operated its own electric distribution system. If any city, town or other municipalities heretofore created and established, or hereafter creates and establishes, a public corporation pursuant to section 11-50-310 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, an improvement authority pursuant to section 39-7-1 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, a municipal electric utility board pursuant to section 11-50-490 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, or a municipal power district pursuant to section 37-5-1, et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, then the words 'Electric Municipality' shall refer to the public corporation, improvement authority, utility board or municipal power district, as the case may be, and not to the city, town or other municipality creating and establishing it, unless the context indicates otherwise, so that the public corporation, improvement authority, utility board or municipal power district shall exercise all powers granted by this act to, and undertake all obligations imposed by this act on, the city, town or other municipality creating and establishing it.

(l) 'Other Municipality' means any incorporated city, town or other municipality in the state of Alabama which does not own, maintain or operate its own electric distribution system or cause to be owned, maintained or operated its own electric distribution system, and has not heretofore created and established and does not hereafter create and establish, a public corporation pursuant to section 11-50-310 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, an improvement authority pursuant to section 39-7-1 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, a municipal electric utility board pursuant to section 11-50-490 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, or a municipal power district pursuant to section 37-5-1, et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import

(m) 'Existing police jurisdiction' means the police jurisdiction as defined in section 11-40-10, Code of Alabama 1975, as amended, of any municipality as such police jurisdiction existed on the effective date of this act."

and further at page 6, line 18 by adding after the word "Existing" the following:

"Police Jurisdictions of Electric Municipalities and Existing"

and further at page 6, line 19 by adding after the word "Limits" the following:

"of Other Municipalities"

and further at page 6, line 21 by adding after the word "existing" the following:

"police jurisdictions of electric municipalities and existing"

and further at page 6, line 21 by adding after the word "limits" the following:

"of other municipalities"

and further at page 6, line 31 by adding after the word "existing" the following:

"police jurisdictions of electric municipalities and existing"

and further at page 6, line 32 by adding after the word "limits" the following:

"of other municipalities"

and further at page 6, line 36 by adding after the word "existing" the following:

"police jurisdictions of electric municipalities and existing"

and further at page 6, line 36 by adding after the word "limits" the following:

"of other municipalities"

and further at page 7, line 12 by adding after the word "existing" the following:

"police jurisdictions of electric municipalities and existing"

and further at page 7, line 12 by adding after the word "limits" the following:

"of other municipalities"

and further at page 7, line 20 by adding after the word "existing" the following:

"police jurisdictions of electric municipalities and existing"

and further at page 7, line 20 by adding after the word "limits" the following:

"of other municipalities"

and further at page 7, line 25 by adding after the word "existing" the following:

"police jurisdictions of electric municipalities and existing"

and further at page 7, line 25 by adding after the word "limits" the following:

"of other municipalities"

and further at page 7, line 29 by adding after the word "existing" the following:

"police jurisdictions of electric municipalities and existing"

and further at page 7, line 29 by adding after the word "limits" the following:

"of other municipalities"

and further at page 8, line 4 by adding after the word "existing" the following:

"police jurisdictions of electric municipalities and existing"

and further at page 8, line 4 by adding after the word "limits" the following:

"of other municipalities"

and further at page 8, line 22 by adding after the word "existing" the following:

"police jurisdictions of electric municipalities and existing"

and further at page 8, line 22 by adding after the word "limits" the following:

"of other municipalities"

and further at page 9, line 4 by adding after the word "Within" the following:

"The Police Jurisdictions of Electric Municipalities and the Municipal Limits of Other"

and further at page 9, line 6 by adding after the word "Existing" the following:

"Police Jurisdictions of Electric Municipalities and Existing"

and further at page 9, line 6 by adding after the word "Limits" the following:

"Of Other Municipalities"

and further at page 9, line 10 by adding after the word "existing" the following:

"police jurisdiction of each electric municipality and the existing"

and further at page 9, line 10 by adding after the word "limits" the following:

"of each other municipality"

and further at page 9, line 11 by adding after the word "existing" the following:

"police jurisdiction of each such electric municipality and the existing"

and further at page 9, line 12 by adding after the word "such" the following:

"other"

and further at page 9, line 14 by adding after the word "option" the following:

"respecting the distribution facilities of secondary suppliers within the existing municipal limits of electric municipalities and other municipalities"

and further at page 9, line 18 by adding after the word "Act" the following sentence:

"The primary electric supplier must announce its intention to exercise its option respecting the distribution facilities of secondary suppliers within the existing police jurisdiction in areas annexed to electric municipalities in writing by registered or certified mail to the affected secondary suppliers within the annexed area, addressed to the chief executive officer or manager of such secondary supplier, no later than nine (9) months after the effective date of the annexation of the affected area."

and further at page 11, line 10 by adding after the word "municipality" the following:

"and, as areas within the existing police jurisdiction are annexed by the electric municipality, within those annexed areas"

and further at page 11, line 18 by adding after the word "existing" the following:

"police jurisdiction of the electric municipality or the existing"

and further at page 11, line 18 by adding after the word "the" and before the word "municipality" the following:

"other"

and further at page 11, line 19 by adding after the word "municipality" the following:

", as the case may be,"

and further at page 12, line 14 by adding before the word "municipal" the following:

"police jurisdiction of any electric municipality and the existing"

and further at page 12, line 14 by adding after the word "any" the following:

"other"

and further at page 14, line 4 by deleting the following:

"within the existing municipal limits"

and substituting therefor the following:

"being served by the distribution facilities subject to the purchase option"

and further at page 14, line 12 by adding after the word "existing" the following:

"police jurisdiction of an electric municipality and the existing"

and further at page 14, line 12 by adding after the word "limits" the following:

"of an other municipality"

and further at page 14, line 27 by adding after the word "existing" the following:

"police jurisdiction of an electric municipality and the existing"

and further at page 14, line 27 by adding after the word "limits" the following:

"of an other municipality"

On motion of Senator Foshee, said amendment No. 2 was laid on the table.

Yeas 15; Nays 5.

Yeas:

Senators:	Corbett	Dixon	Holmes
Bedford	Covington	Drinkard	Langford
Bedsole	deGraffenried	Foshee	Mitchem
Bennett	Dial	Goodwin	Parsons
Bishop			

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Nays:

Senators:	Bailey	Little	Teague
Aldridge	Hand		

—5

Senator Bailey then offered the following amendment No. 3 to the Bill, S. B. 321, as amended, to-wit:

AMENDMENT NO. 3 TO S. B. 321, AS AMENDED

I move to amend Senate Bill number 321, page 1, line 19, by adding after the word "limits" the following:

"of electric municipalities and"

and further at page 1, line 20 by adding before the word "municipalities" the following:

"other"

and further at page 1, line 24 by adding after the word "limits" the following:

"of each electric municipality plus an area two miles beyond those municipal limits and within the existing municipal limits of each other municipality"

and further at page 1, line 26 by adding after the word "limits" the following:

"of each electric municipality plus an area two miles beyond those limits and within the existing municipal limits of each other municipality, respectively"

and further at page 2, line 26, by adding after the word "future" the following:

"corporate limits of electric municipalities and"

and further at page 2, line 26, by adding after the word "of" the following:

"other"

and further at page 2, line 30 by adding after the word "limits" the following:

"of each electric municipality plus an area two miles beyond those municipal limits and within the existing municipal limits of each other municipality"

and further at page 2, line 32 by adding after the word "limits" the following:

"of each electric municipality plus an area two miles beyond those municipal limits and within the existing municipal limits of each other municipality"

and further at page 4, line 9 by adding after the word "of" the following:

"electric municipalities and corporate limits of other"

and further at page 6, line 18 by inserting prior to the beginning of section 3 of the bill, the following additional definitions:

"(k) 'Electric Municipality' means any incorporated city, town or other municipality in the state of Alabama which owns, maintains and operates, or causes to be owned, maintained and operated its own electric distribution system. If any city, town or other municipalities heretofore created and established, or hereafter creates and establishes, a public corporation pursuant to section 11-50-310 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, an improvement authority pursuant to section 39-7-1 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, a municipal electric utility board pursuant to section 11-50-490 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, or a municipal power district pursuant to section 37-5-1, et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, then the words 'Electric Municipality' shall refer to the public corporation, improvement authority, utility board or municipal power district, as the case may be, and not to the city, town or other municipality creating and establishing it, unless the context indicates otherwise, so that the public corporation, improvement authority, utility board or municipal power district shall exercise all powers granted by this act to, and undertake all obligations imposed by this act on, the city, town or other municipality creating and establishing it.

(l) 'Other Municipality' means any incorporated city, town or other municipality in the state of Alabama which does not own, maintain or operate its own electric distribution system or cause to be owned, maintained or operated its own electric distribution system, and has not heretofore created and established and does not hereafter create and establish, a public corporation pursuant to section 11-50-310 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, an improvement authority pursuant to section 39-7-1 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, a municipal electric utility board pursuant to section 11-50-490 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, or a municipal power district pursuant to section 37-5-1, et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import

and further at page 6, line 19 by adding after the word "Limits" the following:

"of Electric Municipalities and Existing Municipal Limits of Other Municipalities"

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and further at page 6, line 21 by adding after the word "limits" the following:

"of electric municipalities plus an area two miles beyond those municipal limits and outside existing municipal limits of other municipalities"

and further at page 6, line 32 by adding after the word "limits" the following:

"of electric municipalities and existing municipal limits of other municipalities"

and further at page 6, line 36 by adding after the word "outside" the following:

"an area two miles beyond the"

and further at page 6, line 36 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 7, line 12 by adding after the word "outside" the following:

"an area two miles beyond the"

and further at page 7, line 12 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 7, line 20 by adding after the word "limits" the following:

"of electric municipalities plus an area two miles beyond those municipal limits and within existing municipal limits of other municipalities"

and further at page 7, line 25 by adding after the word "outside" the following:

"an area two miles beyond the"

and further at page 7, line 25 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 7, line 29 by adding after the word "outside" the following:

"an area two miles beyond the"

and further at page 7, line 29 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 8, line 4 by adding after the word "outside" the following:

"an area two miles beyond the"

and further at page 8, line 4 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 8, line 22 by adding after the word "within" the following:

"an area two miles beyond the"

and further at page 8, line 22 by adding after the word "limits" the following:

"of electric municipalities and within existing municipal limits of other municipalities"

and further at page 9, line 4 by adding after the word "Within" the following:

"and Beyond the Municipal Limits of Electric Municipalities and Within the Municipal Limits of Other"

and further at page 9, line 5 by adding after the word "Within" the following:

"and Beyond"

and further at page 9, line 6 by adding after the word "Limits" the following:

"of Electric Municipalities and Existing Municipal Limits of Other Municipalities"

and further at page 9, line 7 by adding after the word "municipality" the following:

", and, in the case of an electric municipality, within an area two miles beyond its existing municipal limits,"

and further at page 9, line 10 by adding after the word "limits" the following:

"of each electric municipality plus an area two miles beyond those municipal limits and within the existing municipal limits of each other municipality"

and further at page 9, line 12 by adding after the word "limits" the following:

"of each such electric municipality plus an area two miles beyond those municipal limits and within the existing municipal limits"

and further at page 9, line 12 by adding after the word "such" the following:

"other"

and further at page 9, line 14 by adding after the word "option" the following:

“respecting the distribution facilities of secondary suppliers within the existing municipal limits of electric municipalities plus an area two miles beyond those municipal limits and within the existing municipal limits of other municipalities”

and further at page 9, line 18 by adding after the word “Act” the following sentence:

“The primary electric supplier must announce its intention to exercise its option respecting the distribution facilities of secondary suppliers in areas annexed within the area two miles beyond the existing municipal limits to electric municipalities in writing by registered or certified mail to the affected secondary suppliers within the annexed area, addressed to the chief executive officer or manager of such secondary supplier, no later than nine (9) months after the effective date of the annexation of the affected area.”

and further at page 11, line 10 by adding after the word “municipality” the following:

“, and, as areas within the area two miles beyond the existing municipal limits are annexed by the electric municipality, within those annexed areas”

and further at page 11, line 18 by adding after the word “limits” the following:

“of the electric municipality plus an area two miles beyond those municipal limits or within the existing municipal limits”

and further at page 11, line 18 by adding after the word “the” and before the word “municipality” the following:

“other”

and further at page 11, line 19 by adding after the word “municipality” the following:

“, as the case may be,”

and further at page 12, line 14 by adding before the word “municipal” the following:

“municipal limits of any electric municipality plus an area two miles beyond those municipal limits and within the existing”

and further at page 12, line 14 by adding after the word “any” the following:

“other”

and further at page 14, line 4 by deleting the following:

“within the existing municipal limits”

and substituting therefor the following:

“being served by the distribution facilities subject to the purchase option”

and further at page 14, line 12 by adding after the word “limits” the following:

“of an electric municipality plus an area two miles beyond those municipal limits and within the existing municipal limits of an other municipality”

and further at page 14, line 27 by adding after the word "limits" the following:

"of an electric municipality plus an area two miles beyond those municipal limits and within the existing municipal limits of an other municipality"

On motion of Senator Foshee, said amendment No. 3 was laid on the table.

Yeas 18; Nays 6.

Yeas:

Senators:	Bishop	Dial	Mitchem	
Barron	Cabaniss	Dixon	Sanders	
Beford	Corbett	Drinkard	Smith (B)	
Bedsole	Covington	Foshee	Strong	
Bennett	deGraffenried	Goodwin		—18

Nays:

Senators:	Denton	Holmes	Teague	
Bailey	Hand	Little		—6

MOTION TO ADJOURN LOST

At 4:55 P.M., Senator deGraffenried moved that the Senate adjourn until Thursday, March 29, 1984, at 10 o'clock A.M., which motion was lost.

Yeas 10; Nays 12.

Yeas:

Senators:	Figures	Langford	Strong	
Bailey	Hand	Little	Teague	
deGraffenried	Holmes	Sanders		—10

Nays:

Senators:	Corbett	Dial	Foshee	
Barron	Covington	Dixon	Mitchem	
Bedford	Denton	Drinkard	Smith (B)	
Cabaniss				—12

FURTHER CONSIDERATION OF S. B. 321

The Senate proceeded to further consideration of the Bill, S. B. 321, as amended.

Senator Bailey offered the following amendment No. 4 to the Bill, S. B. 321, as amended, to-wit:

AMENDMENT TO S. B. 321, AS AMENDED

I move to amend Senate Bill number 321, page 1, line 19, by adding after the word "limits" the following:

"of electric municipalities and"

and further at page 1, line 20 by adding before the word "municipalities" the following:

"other"

and further at page 1, line 24 by adding after the word "limits" the following:

"of each electric municipality plus an area one mile beyond those municipal limits and within the existing municipal limits of each other municipality"

and further at page 1, line 26 by adding after the word "limits" the following:

"of each electric municipality plus an area one mile beyond those limits and within the existing municipal limits of each other municipality, respectively"

and further at page 2, line 26, by adding after the word "future" the following:

"corporate limits of electric municipalities and"

and further at page 2, line 26, by adding after the word "of" the following:

"other"

and further at page 2, line 30 by adding after the word "limits" the following:

"of each electric municipality plus an area one mile beyond those municipal limits and within the existing municipal limits of each other municipality"

and further at page 2, line 32 by adding after the word "limits" the following:

"of each electric municipality plus an area one mile beyond those municipal limits and within the existing municipal limits of each other municipality"

and further at page 4, line 9 by adding after the word "of" the following:

"electric municipalities and corporate limits of other"

and further at page 6, line 18 by inserting prior to the beginning of section 3 of the bill, the following additional definitions:

"(k) 'Electric Municipality' means any incorporated city, town or other municipality in the state of Alabama which owns, maintains and operates, or causes to be owned, maintained and operated its own electric distribution system. If any city, town or other municipalities heretofore created and established, or hereafter creates and establishes, a public corporation pursuant to section 11-50-310 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, an improvement authority pursuant to section 39-7-1 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, a municipal electric utility board pursuant to section 11-50-490 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, or a municipal power district pursuant to section 37-5-1, et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, then the words 'Electric Municipality' shall refer to the public corporation, improvement authority, utility board or municipal power district, as the case may be, and not to the city, town or other municipality creating and establishing it, unless the context indicates other-

wise, so that the public corporation, improvement authority, utility board or municipal power district shall exercise all powers granted by this act to, and undertake all obligations imposed by this act on, the city, town or other municipality creating and establishing it.

(l) 'Other Municipality' means any incorporated city, town or other municipality in the state of Alabama which does not own, maintain or operate its own electric distribution system or cause to be owned, maintained or operated its own electric distribution system, and has not heretofore created and established and does not hereafter create and establish, a public corporation pursuant to section 11-50-310 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, an improvement authority pursuant to section 39-7-1 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, a municipal electric utility board pursuant to section 11-50-490 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, or a municipal power district pursuant to section 37-5-1, et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import

and further at page 6, line 19 by adding after the word "Limits" the following:

"of Electric Municipalities and Existing Municipal Limits of Other Municipalities"

and further at page 6, line 21 by adding after the word "limits" the following:

"of electric municipalities plus an area one mile beyond those municipal limits and outside existing municipal limits of other municipalities"

and further at page 6, line 32 by adding after the word "limits" the following:

"of electric municipalities and existing municipal limits of other municipalities"

and further at page 6, line 36 by adding after the word "outside" the following:

"an area one mile beyond the"

and further at page 6, line 36 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 7, line 12 by adding after the word "outside" the following:

"an area one mile beyond the"

and further at page 7, line 12 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

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and further at page 7, line 20 by adding after the word "limits" the following:

"of electric municipalities plus an area one mile beyond those municipal limits and within existing municipal limits of other municipalities"

and further at page 7, line 25 by adding after the word "outside" the following:

"an area one mile beyond the"

and further at page 7, line 25 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 7, line 29 by adding after the word "outside" the following:

"an area one mile beyond the"

and further at page 7, line 29 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 8, line 4 by adding after the word "outside" the following:

"an area one mile beyond the"

and further at page 8, line 4 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 8, line 22 by adding after the word "within" the following:

"an area one mile beyond the"

and further at page 8, line 22 by adding after the word "limits" the following:

"of electric municipalities and within existing municipal limits of other municipalities"

and further at page 9, line 4 by adding after the word "Within" the following:

"and Beyond the Municipal Limits of Electric Municipalities and Within the Municipal Limits of Other"

and further at page 9, line 5 by adding after the word "Within" the following:

"and Beyond"

and further at page 9, line 6 by adding after the word "Limits" the following:

"of Electric Municipalities and Existing Municipal Limits of Other Municipalities"

and further at page 9, line 7 by adding after the word "municipality" the following:

" , and, in the case of an electric municipality, within an area one mile beyond its existing municipal limits,"

and further at page 9, line 10 by adding after the word "limits" the following:

"of each electric municipality plus an area one mile beyond those municipal limits and within the existing municipal limits of each other municipality"

and further at page 9, line 12 by adding after the word "limits" the following:

"of each such electric municipality plus an area one mile beyond those municipal limits and within the existing municipal limits"

and further at page 9, line 12 by adding after the word "such" the following:

"other"

and further at page 9, line 14 by adding after the word "option" the following:

"respecting the distribution facilities of secondary suppliers within the existing municipal limits of electric municipalities plus an area one mile beyond those municipal limits and within the existing municipal limits of other municipalities"

and further at page 9, line 18 by adding after the word "Act" the following sentence:

"The primary electric supplier must announce its intention to exercise its option respecting the distribution facilities of secondary suppliers in areas annexed within the area one mile beyond the existing municipal limits to electric municipalities in writing by registered or certified mail to the affected secondary suppliers within the annexed area, addressed to the chief executive officer or manager of such secondary supplier, no later than nine (9) months after the effective date of the annexation of the affected area."

and further at page 11, line 10 by adding after the word "municipality" the following:

" , and, as areas within the area one mile beyond the existing municipal limits are annexed by the electric municipality, within those annexed areas"

and further at page 11, line 18 by adding after the word "limits" the following:

"of the electric municipality plus an area one mile beyond those municipal limits or within the existing municipal limits"

and further at page 11, line 18 by adding after the word "the" and before the word "municipality" the following:

"other"

and further at page 11, line 19 by adding after the word "municipality" the following:

" , as the case may be,"

and further at page 12, line 14 by adding before the word "municipal" the following:

"municipal limits of any electric municipality plus an area one mile beyond those municipal limits and within the existing"

and further at page 12, line 14 by adding after the word "any" the following:
"other"

and further at page 14, line 4 by deleting the following:

"within the existing municipal limits"

and substituting therefor the following:

"being served by the distribution facilities subject to the purchase option"

and further at page 14, line 12 by adding after the word "limits" the following:

"of an electric municipality plus an area one mile beyond those municipal limits and within the existing municipal limits of an other municipality"

and further at page 14, line 27 by adding after the word "limits" the following:

"of an electric municipality plus an area one mile beyond those municipal limits and within the existing municipal limits of an other municipality"

RESOLUTION

Senator Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 119. COMMENDING THE GAMMA OMEGA CHAPTER OF PI KAPPA PHI FRATERNITY AT THE UNIVERSITY OF MONTEVALLO.

WHEREAS, the Brothers of the Gamma Omega Chapter of Pi Kappa Phi Social Fraternity at the University of Montevallo have pledged themselves to raise \$1,000 annually for the national philanthropic project P.U.S.H. (Play Units for the Severely Handicapped); and

WHEREAS, P.U.S.H., which was unanimously adopted by the Fraternity in 1977, is a totally new concept for teaching severely and profoundly handicapped children; and

WHEREAS, Pi Kappa Phi National Fraternity was founded on December 10, 1904, at the College of Charleston in Charleston, South Carolina, and locally at the University of Montevallo on May 8, 1971; and

WHEREAS, the object of this fraternity shall be the promotion of brotherly love, the perfecting of true friendship, the increasing of fraternal feeling and the cultivating of refined and moral ideals among its members; and

WHEREAS, during the year 1983, the Chapter exceeded its pledge by raising \$1,500:

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Brothers of Gamma Omega Chapter of Pi Kappa Phi at the University of Montevallo be commended for their dedication in raising money for this most worthwhile project.

On motion of Senator Teague, the Rules were suspended and the Resolution was adopted by the Senate.

FURTHER CONSIDERATION OF S. B. 321

The Senate proceeded to further consideration of the Bill, S. B. 321, as amended. The question was on the amendment No. 4 offered by Senator Bailey.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 39

S. B. 91

S. J. R. 44

S. J. R. 99

S. J. R. 100

S. J. R. 101

S. J. R. 102

S. J. R. 103

S. J. R. 104

Delivered to the Governor March 27, 1984, at 1:10 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report from the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 5:00 P.M., on motion of Senator Foshee, in accordance with Motion and Joint Resolution heretofore adopted, and pending further consideration of S. B. 321, the Senate adjourned until Thursday, March 29, 1984, at 10 o'clock A.M.

FOURTEENTH LEGISLATIVE DAY**THURSDAY, MARCH 29, 1984**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by the Reverend Bob Williamson, Pastor, Eclectic Baptist Church, Eclectic, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Andy Wendland, Autaugaville High School, Autaugaville, Alabama.

ROLL CALL

Present:

Senators:	Cabaniss	Ellis	Menton
Aldridge	Cooley	Figures	Mitchem
Amari	Corbett	Foshee	Parsons
Bailey	Covington	Goodwin	Sanders
Barron	deGraffenried	Hand	Smith (B)
Bedford	Denton	Hilliard	Smith (J)
Bedsole	Dial	Holmes	Strong
Bennett	Dixon	Langford	Teague
Bishop	Drinkard	Little	

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JOURNAL

On motion of Senator Denton, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Thirteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Thirteenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator Denton, leave of absence was granted Senator Pearson for today.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Bedsole (With Notice and Proof):

S. 500. To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939 (Local Acts 1939, page 298), which creates and establishes the countywide Civil Service System in Mobile County, so as to include the chairman of the board of water and sewer commissioners of the City of Mobile as a member of the supervisory committee of the Mobile County Personnel Board.

Committee on Local Legislation No. 3.

I hereby certify that the notice and proof is attached to the Bill, S. B. 500, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Amari:

S. 501. To provide that any appropriations made to the various state agencies and departments for coverage of State Employees' Health Insurance Plan shall also include an appropriation to the State Employees' Health Insurance Board for funding insurance coverage for retired employees.

Committee on Finance and Taxation.

By Senator Mitchem:

S. 502. To amend Act No. 83-498, 1983 Regular Session of the Legislature of Alabama, to make the appropriation contained in said Act No. 83-498 in the amount of Six Million Five Hundred Thousand Dollars (\$6,500,000), constitute and consist of a supplemental appropriation for the period ending September 30, 1983 and an appropriation for subsequent fiscal years, from monies comprising Trust Capital of The Alabama Heritage Trust Fund created by an amendment to the Constitution of Alabama of 1901, proposed by Act No. 81-1178, 1981 Third Special Session, for the purpose of payment by the State of Alabama of requisitions submitted by the Alabama Housing Finance Authority for its payment of costs and expenditures (including funding of debt service reserve funds) incurred by it in the exercise of the powers granted to it by law, and to validate disbursements made to said Authority between August 1, 1983 and October 31, 1983 and to provide that any requisitions paid after December 31, 1983 shall only be made in connection with issuance of single family mortgage revenue bonds, the interest on which is exempt from federal income taxation.

Committee on Finance and Taxation.

By Senator Amari:

S. 503. To amend sections 30-3-1 and 30-3-2, Code of Alabama 1975, relating to the custody and education of children upon grant of divorce and in cases of voluntary separation, so as to provide further for the custody and parentship of children by providing for shared parenting.

Committee on Judiciary.

By Senator Mitchem:

S. 504. To provide for and authorize and establish the procedures for the incorporation of the Alabama Student Loan Authority as a public, not for profit corporation of the State; to provide for the appointment, filling of vacancies, powers, terms of office, quorum, and removal of a board of directors of the Authority; to declare the legislative policy concerning this Act and the subject matter thereof; to define certain terms used herein; to provide for the officers of the Authority and the election and removal thereof; to grant various general powers to the Authority and to specify the conditions under which such powers may be exercised; to empower the Authority to make or to acquire student loans that are guaranteed or insured under Title IV of the Federal Higher Education Act of 1965, as amended (Public Law 89-239, codified as 20 U.S.C. §§ 1071, *et seq.*, as amended) and any student loan guarantee program of the State; to empower the Authority to assume and acquire the Alabama Higher Education Loan Corporation or its assets and liabilities and to refinance or refund outstanding obligations of such corporation; to empower the Authority to borrow money for its various corporate purposes and in evidence thereof to issue its bonds and notes and other evidences of indebtedness; to prescribe certain terms and conditions upon which the Authority may sell and issue its bonds and notes and other evidences of indebtedness; to authorize the Authority to assign and pledge its revenues, moneys or assets as security for its bonds and notes and other evidences of indebtedness; to provide that the bonds and notes and other evidences of indebtedness of the Authority shall not constitute or create a debt of the State or a charge on its credit or taxing powers; to provide that the bonds and notes and other evidences of indebtedness of the Authority shall, subject to certain conditions, constitute negotiable instruments; to authorize the creation of special debt service reserve funds and such other funds as may be necessary or desirable for the corporate purposes of the Authority; to provide for the refunding, by the issuance and sale of refunding bonds or notes and other evidences of indebtedness, of any bonds or notes and other evidences of indebtedness theretofore issued by the Authority; to provide that Article 9 of the Alabama Uniform Commercial Code or any successor provision thereto shall apply to any security interest in any personal property created by the Authority in connection with the issuance of its bonds and notes and other evidences of indebtedness; to provide that the bonds and notes of the Authority shall be legal investments for trust and other fiduciary funds as security for deposits of funds of the State or its political subdivisions, instrumentalities or agencies, whenever such security is required; to exempt from all taxation in the State the properties, revenues and income of the Authority and the interest, and premium, if any, payable on the bonds and notes and other evidences of indebtedness of the Authority; to exempt from all laws of the State governing usury or prescribing or limiting interest rates (i) the Authority, its bonds, notes, evidences of indebtedness and other contracts and (ii) any payment constituting interest made pursuant to any obligation which constitutes all or any part of the source of payment for any of the bonds, notes or other obligations of the Authority; to exempt the Authority and all contracts made by it from all laws of the State requiring competitive bids for contract or purchase; to provide for the liberal construction of the provisions of this Act; to exempt the Authority from the supervision and control of any State agency; to provide that the Authority shall be a not-for-profit corporation and that any revenues of the Authority remaining after provision has been made for payment of the expenses, bonds and notes, shall be used to make or acquire student loans or be paid over to the State; to provide that the publication of a notice of the adoption of a resolution authorizing the issuance of bonds or

notes by the Authority will establish a limited period after such publication within which must be commenced any action or proceeding questioning the validity of such bonds or notes or any instrument securing the same; to provide for the dissolution of the Authority and for the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

Committee on Education.

By Senator Barron (With Notice and Proof):

S. 505. Relating to county health officers or administrators in DeKalb County; authorizing such persons to issue official death certificates, and providing penalties for violation of this act.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 505, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Barron (With Notice and Proof):

S. 506. Relating to the City of Fort Payne in DeKalb County; to alter the corporate boundaries so as to include additional lands within the corporate limits.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 506, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Foshee:

S. 507. To amend Section 37-3-32 relating to Public Service Commission appropriations and increasing the registration fees of motor carrier vehicles.

Committee on Finance and Taxation.

By Senator Teague:

S. 508. To provide that any person or persons owning the land or leasing of record the hunting rights on land and who carries on a program of protection, caring for and feeding the resident game on said land, shall not be restricted in his game feeding program of the hunting of resident game by any statutes or regulation prohibiting the taking of game over feed or planted plots or fields.

WHEREAS, a concerned landowner or hunting rights lessee is the greatest protector of our wild game population; and

WHEREAS, the landowner or the persons leasing the hunting rights on land have a vested interest in caring for, protecting, propagating and building up the game population on their lands and should not be interfered with in conducting these programs; and

WHEREAS, hunting rights, in most counties in Alabama bring from two dollars to fifteen dollars per acre and in some counties comprise one of the better revenue producers in the county; and

WHEREAS, the landowners or lessees, rightfully consider resident game as an asset, the same as he would fish in his pond or cows in his pasture; and

WHEREAS, many Alabama landowners and hunting rights lessees are presently managing, feeding, protecting and planting food plots for the Bob White Quail and are not legally prohibited from continuing to carry on said wildlife management programs during the hunting season; and

WHEREAS, it is legally permissible to carry on similar programs of wildlife management in other states; and

WHEREAS, it is the intent of the legislature to provide Alabama landowners and hunting rights lessees of record with the legal ability to carry on beneficial wildlife management programs year around so as to adequately provide for and increase populations of all resident game and non-game species; and

WHEREAS, hunting is the best tourist attraction in many counties in Alabama; now therefore,

Committee on Agriculture,
Conservation, and Forestry.

By Senator Teague (With Notice and Proof):

S. 509. Relating to Coosa County; to provide that all members of the county commission shall serve on a full time basis, effective upon the next term of office of any members; to regulate further the expense allowance of the members of the Coosa County Commission and giving retroactive effect to such expense allowances; and providing automatic termination of such expense allowance.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 509, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Mitchem:

S. 510. To amend Section 40-23-5 of the Code of Alabama 1975, which exempts certain organizations from payment of state, county and municipal sales and use taxes, so as to exempt The Alabama Society for Crippled Children and Adults, Inc., and any of its branches or agencies from such taxes.

Committee on Finance and Taxation.

By Senator Denton:

S. 511. Relating to exemptions from the payment of state, county and municipal ad valorem taxes so as to exempt the Presbyterian Apartments of Birmingham, Inc., the Presbyterian Homes of Decatur, Inc., the Shoals Presbyterian Apartments, Inc., the Presbyterian Apartments in Northport, Alabama, and the East Alabama Services for the Elderly, Inc., a nonprofit corporation in Lee County, Alabama, or any predecessor organization or entity, from state, county and municipal ad valorem taxes.

Committee on Finance and Taxation.

By Senators Strong and Corbett:

S. 512. To amend section 32-5A-245, Code of Alabama 1975, relating to the requirement of headgear for motorcycle riders, so as to provide further for such requirements.

Committee on Judiciary.

RESOLUTIONS

Senator Bedford offered the following Senate Resolutions, to-wit:

S. R. 120. COMMENDING GUARDSMAN ROBERT MAYNARD COLBURN OF FAYETTE, ALABAMA.

Also:

S. R. 121. COMMENDING MRS. PEGGY JEFFREYS, MARION COUNTY TEACHER OF THE YEAR.

Also:

S. R. 122. COMMENDING MR. HOWARD BOLLING OF FAYETTE, ALABAMA'S PAROLE AND PROBATION OFFICER OF THE YEAR.

Which were adopted.

Senator Strong offered the following Senate Resolutions, to-wit:

S. R. 123. COMMENDING STATE TROOPER RISTON SPENCE ON HIS DISTINGUISHED CAREER IN LAW ENFORCEMENT.

Also:

S. R. 124. COMMENDING MISS MINNETTA K. HINSON OF LINDEN, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS TO MARENGO COUNTY.

Which were adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 45. AUTHORIZING THE JOINT LEGISLATIVE INTERIM COMMITTEE TO STUDY THE ALABAMA AERONAUTICS COMMISSION TO EMPLOY AN INVESTIGATOR.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 30. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Cosmetology as provided in Sec-

tions 34-7-1 through 34-7-47, Code of Alabama 1975, and the legislature's concurrence thereof.

JOHN W. PEMBERTON,
Clerk.

RESOLUTIONS

Senator Bedford offered the following Senate Resolution, to-wit:

S. R. 125. COMMENDING MR. ARTHUR FITE OF HAMILTON, PROMINENT ALABAMA ATTORNEY.

Which was adopted.

Senators Smith (J), Mitchem, Drinkard, Teague, Denton, Parsons, Figures, Bennett, Langford, Menton, Hand, Dial, deGraffenried, Foshee, Aldridge, Holmes, Little, Bedsole, Goodwin, Amari, Corbett, Bailey, Bishop, Smith (B), Covington, Cooley, Sanders, Strong, and Bedford offered the following Senate Joint Resolution, to-wit:

S. J. R. 126. URGING THE CLERK OF THE HOUSE OF REPRESENTATIVES AND THE SECRETARY OF THE SENATE TO HAVE TOLL-FREE INCOMING CALL TELEPHONE SERVICE INSTALLED FOR THE BENEFIT OF THE PUBLIC DURING LEGISLATIVE SESSIONS.

WHEREAS, during a legislative session, many citizens throughout this state would like to converse with their legislators to express their feelings on certain legislation which might have a profound impact on either their businesses or their private lives; and

WHEREAS, such important matters often require an extensive telephone conversation which is likely to result in a bill which is beyond the reach of the average constituent; and

WHEREAS, the cost of installing and operating toll-free incoming call telephone service so the public may converse with their legislators during a session would be miniscule in comparison to the overall cost of any legislative session; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby urge the clerk of the House of Representatives and the secretary of the Senate to have toll-free incoming call telephone service installed for the benefit of the public during legislative sessions.

BE IT FURTHER RESOLVED, That the cost of such telephone service shall be paid from funds appropriated to the Legislature; and, the location and number of such toll-free incoming call lines shall be determined by said clerk and secretary.

On motion of Senator Smith (J), the Rules were suspended and the Resolution was adopted by the Senate.

Senator Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 127. COMMENDING MR. AND MRS. HOBART LOVE ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Golden

Wedding Anniversary on February 17, 1984, of Mr. and Mrs. Hobart Love of Alexander City, Alabama; and

WHEREAS, in the sight of God, Hobart Lee Love and his bride, Miss Virginia Burke, were joined in wedlock on February 17, 1934, in Montevallo, Alabama, and these two fine people, forsaking all others, have remained in said Holy state for the past 50 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their marriage vows, setting an example to be emulated by other couples who, in wedlock, pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Love, the parents of two sons and two daughters, are members of the Baptist Church which they have served together with devotion throughout their married life, serving their fellow man as well in true charity for the poor, heartbroken and discouraged; they further have been active for the past several years in prison ministry with the Alabama Volunteers in Corrections; and

WHEREAS, to celebrate the joyous occasion of their Golden Wedding Anniversary, Mr. and Mrs. Love were honored at a reception, given by their children and family, on February 11, 1984, at Wayside Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in congratulating this exemplary couple of Alexander City, Alabama, Mr. and Mrs. Hobart Love, and wish them many more happy years together in their union blessed by God and a marriage of Christian dedication and morality.

BE IT FURTHER RESOLVED, That Mr. and Mrs. Love receive a copy of this resolution expressing our congratulations and warm best wishes for their future.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Bedsole, Menton, and Figures offered the following Senate Joint Resolution, to-wit:

S. J. R. 128. COMMENDING DR. WILLIAM K. WEAVER, JUNIOR, OF MOBILE, ALABAMA.

WHEREAS, in consensus of commendation, the Alabama Legislature notes the numerous accomplishments of Dr. William K. Weaver, Junior, the founding president of Mobile College in 1961; and

WHEREAS, Dr. Weaver has since served continuously in that capacity, greatly contributing to the progress and growth of the college; although the Legislature notes with regret his announced retirement, it is with highest praise that we recognize his distinguished tenure; and

WHEREAS, we further commend Dr. Weaver upon his most recent distinction as Mobilian of the Year, an honor bestowed by the Civitan Club of Mobile upon selection by a committee of some 120 representatives from various civic, charitable, religious, governmental, professional, business and labor organizations throughout Mobile; and

WHEREAS, Dr. Weaver, a native of Oxford, Alabama, is a graduate of

Birmingham's Howard College, of Southern Baptist Theological Seminary and he holds an honorary doctorate of divinity from Howard; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most sincerely praise and commend Dr. William K. Weaver, Junior, of Mobile, Alabama, for outstanding accomplishment; we further congratulate him as Mobilian of the Year, and direct that he receive a copy of this resolution expressing our warm best wishes for every future success and enjoyment in retirement.

On motion of Senator Bedsole, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Executive amendment to the Bill:

S. 33. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Alcoholic Beverage Control Board as provided in Sections 28-3-40 through 28-3-53, Code of Alabama 1975, and the legislature's concurrence thereof.

by a majority of the whole number elected to the House, said vote being Yeas 57, Nays 0.

And said Bill S. B. 33, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the House, said vote being Yeas 63, Nays 0.

And said Bill S. B. 33, together with the Executive amendment, is herewith returned to the Senate.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration.

By Rep. Kennedy:

H. J. R. 162. MOURNING THE DEATH OF MRS. PEARL WILLIAMS BOADLEY OF MOBILE, ALABAMA.

Also:

By Reps. Coleman and Rains:

H. J. R. 163. COMMENDING MR. WAYNE WASHAM, DIRECTOR OF THE ARAB HIGH SCHOOL BAND.

Also:

By Reps. Bugg, Ford, Rains, and Junkins:

H. J. R. 167. MOURNING THE DEATH OF JUDGE WILEY HICKMAN OF GADSDEN, ALABAMA.

Also:

By Reps. Rains and Coleman:

H. J. R. 168. COMMENDING MR. LOWELL GALLOWAY, PROMINENT ALBERTVILLE, ALABAMA, BANKER.

Also:

By Reps. Rains, Coleman, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey, (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby:

H. J. R. 169. COMMENDING FORMER REPRESENTATIVE PHIL KELLEY FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

By Reps. Smith and Starr:

H. J. R. 173. MOURNING THE DEATH OF MRS. FRANCES ELIZABETH LITTLE OF MONTGOMERY, ALABAMA.

Also:

By Rep. Smith:

H. J. R. 174. COMMENDING JEMISON HIGH SCHOOL'S GIRLS BASKETBALL TEAM, RUNNER-UP FOR THE STATE 2-A CHAMPIONSHIP.

Also:

By Rep. Hooper:

H. J. R. 175. COMMENDING MR. JOHN STOWERS, JUNIOR, OF MONTGOMERY, ALABAMA.

Also:

By Reps. Tanner, Parker, Moore, Dutton, Preuitt, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Newman, Nicholson, Onderdonk, Payne, Penry, Perdue, Poole, Pratt,

Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby:

H. J. R. 176. CONGRATULATING MR. AND MRS. ORVILLE W. TANNER OF HARTSELLE, ALABAMA, ON THEIR FORTHCOMING 50TH WEDDING ANNIVERSARY.

Also:

By Reps. Hettinger, Butler, Grayson, Brooks, Hall, and Albright:

H. J. R. 177. COMMENDING THE UNIVERSITY OF ALABAMA-HUNTSVILLE CHARGERS' ICE HOCKEY ACCOMPLISHMENTS.

Also:

By Reps. Gaston and Kvalheim:

H. J. R. 179. COMMENDING MISS PAULETTE LOUISE MCKELLAR OF MOBILE, ALABAMA, 1983 ALL-AMERICAN CHEERLEADER.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolutions, H. J. R.'s 162, 163, 167, 168, 169, 173, 174, 175, 176, 177, and 179, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Holley, Johnson (Roy), Bachus, Nicholson, Buskey (John), Kennedy, Holmes, Buskey (James), Clark (W), Black, Reed, McNair, Horn, Escott, McDowell, Davis, Melton, Perdue, Spratt, Rogers, Poole, Grayson, Brooks, Faulk, and Carothers:

H. J. R. 111. CREATING A LEGISLATIVE OVERSIGHT COMMITTEE TO MONITOR IMPLEMENTATION OF A COMPREHENSIVE PLAN ADDRESSING THE NEEDS OF THOSE SCHOOL SYSTEMS WHICH HAD LOW SUCCESS RATES ON THE ALABAMA HIGH SCHOOL GRADUATION EXAM.

WHEREAS, the Alabama State Legislature provides substantial financial support for the education of the State's school children; and

WHEREAS, the State Legislature expects that these education funds will be used effectively for the maximum educational benefits of the State's school children; and

WHEREAS, public education in Alabama is the responsibility of the State of Alabama in coordination with state and local school boards; and

WHEREAS, appropriate leadership needs to be provided to give reasonable assurance that students will be given an opportunity to reach their maximum potential; and

WHEREAS, it has become apparent, based on the results of the Alabama High School Graduation Exam given during the fall of 1983, that

some of the State's public school systems might wish to request help from the state Department of Education as a result of these tests. The purpose of this request being so students may receive the education to which they are entitled; and

WHEREAS, passing the Alabama High School Graduation Exam is necessary to receive a high school diploma which is a basic certificate of accomplishment necessary for further educational opportunity as well as employment opportunity; and

WHEREAS, some school systems had very low success rates in the Alabama High School Graduation Exam; and

WHEREAS, the Alabama State Legislature does express its concern over those school systems with low success rates and hereby declares that assistance is necessary; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby direct the State Board of Education, through the State Superintendent of Education and the State Department of Education, to take immediate steps to prepare a comprehensive plan for implementation in the 1984-85 school year which addresses the needs of those systems within the additional financial resources provided for the State Department of Education through the 1984-85 budget.

BE IT FURTHER RESOLVED, That the State Superintendent of Education provide additional technical assistance, training and other resources as reflected in the comprehensive plan for educational improvement.

BE IT FURTHER RESOLVED, That a Legislative Oversight Committee is hereby created, composed of five members of the House appointed by the Speaker of the House, five members of the Senate appointed by the Lt. Governor, and one member of the Governor's staff whose responsibilities will be to meet periodically to review the progress of the plan and to make reports to the full membership of the Legislature.

RESOLVED FURTHER, That upon request of the Chairman, the Clerk of the House and the Secretary of the Senate shall provide such clerical assistance as may be necessary for the committee's work. Each legislative member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, upon warrants drawn on the state comptroller upon requisitions signed by the Chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session but they shall receive their travel expenses for all meetings attended and any travel upon the business of the committee within and without the state. All expenses for travel, per diem, salaries, benefits, clerical assistance, supplies and costs incurred as a result of this resolution shall be paid out of any funds appropriated to the legislature, in accordance with law. The expenditure of the committee shall be limited to \$7,000 per annum.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 111, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. White (L):

H. J. R. 161. DESIGNATING THE WEEK OF JUNE 3RD THROUGH 9TH, 1984, AS "ALABAMA RECYCLING WEEK".

WHEREAS, manufacturing plants and maintenance facilities in the State of Alabama annually produce and dispose of hundreds of thousands of tons of scrap metal; and

WHEREAS, without an established Metallic Scrap Processing Industry in Alabama, these metallic discards would be added to the solid waste stream, littering the landscape and filling Alabama landfills; and

WHEREAS, in addition to reducing litter, every ton of ferrous scrap recycled by the Metallic Scrap Processing Industry within the State of Alabama conserves one and one-half tons of iron ore and one-third of a ton of coal or coke which are irreplaceable natural resources; and

WHEREAS, the Metallic Scrap Processing Industry provides employment to over one thousand Alabamians and annually pumps millions of dollars into the State's economy; and

WHEREAS, the Alabama Recycling Association was organized for the purpose of encouraging recycling, reducing litter and conserving energy and natural resources; and

WHEREAS, the Alabama Recycling Association also is involved in Environmental Management and Educational Programs; and

WHEREAS, the Metallic Scrap Processing Industry in Alabama is to be commended for its efforts in recycling industrial wastes, aluminum, glass and other metal items; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate the week of June 3 through 9, 1984, as "Alabama Recycling Week."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 161, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Bowling:

H. J. R. 164. EXTENDING THE LIFE AND REPORTING DATE OF THE LEGISLATIVE JOINT INTERIM COMMITTEE TO STUDY VOCATIONAL EDUCATION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the life and reporting date of

The Legislative Joint Interim Committee To Study Vocational Education created by Act 83-251, H. J. R. 8, 1983 Regular Session (Acts of 1983, p. 430), are hereby extended to the 10th legislative day of the 1985 Regular Session. As of the 10th legislative day of the 1985 Regular Session, said committee shall be abolished.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 164, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Penry and McMillan:

H. J. R. 159. HONORING MELVIN ROBERTS ON HIS RETIREMENT FOLLOWING 31 YEARS OF SERVICE TO THE CITY OF FOLEY, ALABAMA.

Also:

By Rep. Laird:

H. J. R. 160. COMMENDING THE STUDENT GOVERNMENT ASSOCIATION OF SOUTHERN UNION STATE JUNIOR COLLEGE, WADLEY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Denton, the Rules were suspended and the Resolutions, H. J. R.'s 159 and 160, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate.

S. 120. To authorize and make provision for the incorporation of Railroad Authorities as public corporation for the purpose of acquiring, constructing, equipping, improving, maintaining, developing, and operating railroads, railroad properties and facilities, and other buildings and facilities, terminal and yard facilities, shop and repair facilities, real and personal property used or useful in rail transportation services, including both freight and passenger railroad service, and including the leasing or letting such buildings, structures or facilities, which are being abandoned by any railroad pursuant to final ICC authority; to provide that in order for any such Authority to be organized, application must be made to the governing body of one or more counties, cities or towns in Alabama, as defined, and permission for organization of such Authority must be obtained from each such governing body to which application is made; to provide for the selection of

the directors and officers of each such Authority; to specify the powers of each such Authority; to endow each such Authority with eminent domain powers; to exempt each such Authority from laws and regulations relating to the advertising and award by the State and its departments of construction or purchase contracts; to provide that any county, city, town or other political sub-division, public corporation, agency or instrumentality of this State within this State may aid and cooperate with any such Authority in the planning, undertaking, acquisition, construction and operation of railroads, and railroad properties and facilities, and may lend, give, donate, sell, convey or transfer to any such Authority money, property or any right capable of transfer; to provide that no action or suit shall be brought or maintained against the manager or any director of the Authority for or on account of the negligence of the Authority or director or of its or his agents, servants or employees; to authorize the issuance by each such Authority of interest bearing revenue bonds payable solely out of the revenues of the Authority issuing such bonds; to specify provisions of such revenue bonds issued by any such Authority and to provide that such revenue bonds shall be deemed negotiable instruments; to provide that such revenue bonds issued by any such Authority may be secured by pledge of any of the revenues of the Authority issuing such bonds, whether the Authority's right to such revenues then exists or may thereafter come into existence and by mortgage on any property of any such Authority whether then in existence or thereafter acquired; to provide that such pledge may be provided for in an indenture between the Authority issuing such bonds and a trustee or by resolution providing for the issuance of the bonds; to provide that such pledges shall be valid and binding when made and effective against third parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county in which the principal office of the Authority is located and in any other county in which there is located any property of the Authority, the revenues from which are so pledged; to provide that any such Authority may include in any indenture or resolution authorizing the issuance of such bonds provisions customarily contained in instruments securing evidence of indebtedness; to provide that bonds issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the State or of any county, city or town within the State; to specify the uses to which the proceeds of revenue bonds issued by any such Authority may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds issued by any such Authority and the income therefrom and the property and income of any said Authority; to authorize the investment of any idle funds of any county, city or town within this State in bonds issued by any such Authority; to provide that bonds issued by any such Authority shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by any Authority and specifying the time after such publication within which actions and defenses may be asserted respecting such bonds, pledge and indenture and the proceedings authorizing the same; and to provide for the dissolution of any such Authority and the disposition of its property.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Smith (J), the Senate concurred in and adopted the following House substitute for the Bill, S. B. 120, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. B. 120

A BILL
TO BE ENTITLED
AN ACT

To authorize and make provision for the incorporation of railroad authorities as public corporations for the purpose of acquiring, constructing, equipping, improving, maintaining, developing and operating railroads, railroad properties and facilities, and other buildings and facilities, terminal and yard facilities, shop and repair facilities, real and personal property used or useful in rail transportation services, including both freight and passenger railroad service, and including the leasing or letting such buildings, structures or facilities; to provide that in order for any such Authority to be organized, application must be made to the governing body of one or more counties, cities or towns in Alabama in which there are located certain railroad properties that the operator thereof has notified the Interstate Commerce Commission of an intention to abandon, and permission for organization of such Authority must be obtained from each such governing body to which application is made; to provide for the selection of the directors and officers of each such Authority; to specify the powers of each such Authority; to endow each such Authority with eminent domain powers, subject to certain limitations; to exempt each such Authority from laws and regulations relating to the advertising and award by the State and its departments and by local governmental authorities of construction or purchase contracts and from all Alabama Public Service Commission regulation other than rate regulation; to provide that any county, city, town or other political subdivision, public corporation, agency or instrumentality of this State within this State may aid and cooperate with any such Authority in the planning, undertaking, acquisition, construction and operation of railroads, and railroad properties and facilities, and may lend, give, donate, sell, convey or transfer to any such Authority money, property or any right capable of transfer; to provide that no action or suit shall be brought or maintained against the manager or any director of the Authority for or on account of the negligence of the Authority or director or of its or his agents, servants or employees; to authorize the issuance by each such Authority of revenue bonds payable solely out of the revenues of the Authority issuing such bonds; to specify provisions of such revenue bonds issued by any such Authority and to provide that such revenue bonds shall be deemed negotiable instruments; to provide that such revenue bonds issued by any such Authority may be secured by pledge of any of the revenues of the Authority issuing such bonds, whether the Authority's right to such revenues then exists or may thereafter come into existence and by mortgage on any property of any such Authority whether then in existence or thereafter acquired; to provide that such pledge may be provided for in an indenture between the Authority issuing such bonds and a trustee or by resolution providing for the issuance of the bonds; to provide that such pledges shall be valid and binding when made and effective against third parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county in which the principal office of the Authority is located and in any other county in which there is located any property of the Authority, the revenues from which are so pledged; to provide that any such Authority may include in any indenture or resolution authorizing the issuance of such bonds provisions customarily contained in instruments securing evidence of indebtedness; to provide that bonds issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the State or of any county, city or town within the State; to specify the uses to

which the proceeds of revenue bonds issued by any such Authority may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds issued by any such Authority and the income therefrom and the income of any such Authority; to exempt all property of any such Authority from all taxation, subject to certain limitations insofar as exemption from state property taxation is concerned; to authorize the investment of any idle funds of any county, city or town within the State in bonds issued by any such Authority; to provide that bonds issued by any such Authority shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by any Authority and specifying the time after such publication within which actions and defenses may be asserted respecting such bonds, pledge and indenture and the proceedings authorizing the same; and to provide for the dissolution of any such Authority and the disposition of its property.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. When used in this Act, unless the context plainly indicates otherwise, the present tense shall include the future tense, the singular shall include the plural, the plural shall include the singular and the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Additional Rail Service Area” means any territory that is outside the boundaries or corporate limits (as the case may be) of any of its Authorizing Subdivisions and that the governing body of the county, and of any city or town, in which such territory is located has by resolution designated as an area in which the Authority may render Rail Transportation Service.

“Authority” means any public corporation organized pursuant to this Act or any law amendatory thereof or supplemental thereto.

“Authorizing Subdivision” means any county, city, or town in this State in which there are located Railroad Properties and Facilities which the operator thereof has notified the Interstate Commerce Commission of an intention to abandon, and whose governing body receives an application for permission to organize an Authority.

“Board” means the Board of Directors of an Authority.

“Bond” means any bond authorized to be issued pursuant to the provisions of this Act.

“Coupon” means any interest coupon evidencing an installment of interest payable with respect to a Bond.

“Director” means a member of a Board.

“Federal Government” means the United States of America or any department, division, commission or agency and instrumentality thereof, including (without limitation) the Department of Transportation and the Interstate Commerce Commission.

“Indenture” means a mortgage, an indenture of mortgage, deed of trust, trust agreement or trust indenture executed by an Authority as security for Bonds.

“Person” means an individual, a corporation, a partnership or a foreign domestic association.

"Railroad" means a common carrier by railroad as defined in Section 1(3) of Part I of the Interstate Commerce Act [codified as 49 U.S.C. § 1(3)].

"Railroad Properties and Facilities" means any real or personal property or interest in such property which is owned, leased or otherwise controlled by a Railroad or other Person, including (without limitation) an Authority, and which are used or are useful in Rail Transportation Service, including, without limiting the generality of the foregoing:

(i) Track, roadbed and related structures, including rail, ties, ballast, other track materials, grading, tunnels, bridges, trestles, culverts, elevated structures, stations, office buildings used for operating purposes only, repair shops, engine houses and public improvements used or useful in providing Rail Transportation Service;

(ii) Communication and power transmission systems for use by railroads;

(iii) Signals and interlockers;

(iv) Terminal or yard facilities and services to express companies, Railroads and their shippers, including ferries, tugs, car floats and related shore-side facilities designed for the transportation of equipment by water; and

(v) Shop or repair facilities or any other property used or capable of being used in providing Rail Transportation Service or in connection with such Service or for originating, terminating, improving and expediting the movement of equipment or goods.

"Rail Transportation Service" means both freight and passenger rail service.

"State" means the State of Alabama.

Section 2. Authority and Procedure to Incorporate. Pursuant to the provisions of this Act, Authorities may be organized as public corporations with the powers herein set forth. To organize an Authority, not fewer than three natural persons shall file with the governing body of any one or more counties, cities or towns within this State in which there are located Railroad Properties and Facilities which the operator thereof has notified the Interstate Commerce Commission of an intention to abandon, an application in writing for permission to incorporate a public corporation under the provisions of this Act and shall attach to such application a proposed form of certificate of incorporation for such corporation. If each governing body with which the application is filed shall adopt a resolution (which need not be published or posted) approving the form of such certificate of incorporation and authorizing the formation of such a public corporation, then said applicants shall become the incorporators of and shall proceed to incorporate an Authority as a public corporation in the manner hereinafter provided, using for that purpose the form of certificate of incorporation so approved.

Section 3. Contents of Certificate of Incorporation. The certificate of incorporation of an Authority shall state: (a) the names of the incorporators together with the residence of each thereof, and a statement that each of them is a duly qualified elector of and owner of property in the State; (b) the name of the Authority (which name shall include the words "Railroad Authority"); (c) the period for the duration of the Authority (if the duration is to be perpetual that fact shall be so stated); (d) the name of each Authorizing Subdivision, together with the date on which the governing body thereof adopted a resolution authorizing the incorporation of the Authority;

(e) the proposed location of the principal office of the Authority, which shall be in this State; (f) the number of directors, which shall be not less than three, the duration of their respective terms of office (which shall not be in excess of five years), and, subject to the provisions of Section 5 hereof, the manner of their election or appointment; and (g) any other matters relating to the Authority that the incorporators may choose to insert and that is not inconsistent with this Act or with other laws of the State.

Section 4. Execution and Recording of Certificate of Incorporation. The certificate of incorporation of an Authority shall be signed and acknowledged by the aforesaid incorporators before an officer authorized by the laws of the State to take acknowledgements to deeds and shall have attached thereto a certified copy of each of the resolutions provided for in Section 2 hereof and a certificate by the Secretary of State that the name proposed for the Authority is not identical to that of any other corporation organized under the laws of the State or so nearly similar thereto as to lead to confusion and uncertainty. The certificate of incorporation of an Authority, together with the documents required by the preceding sentence to be attached thereto, shall be filed for record in the office of the Judge of Probate of the county in which the principal office of the Authority shall be located. The Judge of Probate shall forthwith receive and record the same. When such a certificate of incorporation and attached documents have been so filed, the Authority referred to therein shall come into existence and shall constitute a public corporation under the name set forth in such certificate of incorporation, whereupon the Authority shall be vested with the rights and powers herein granted.

Section 5. Board of Directors of the Authority. Each Authority shall be governed by a board of directors composed of the number of Directors provided in its certificate of incorporation, all of whom shall be selected in accordance with the provisions of this section. If there is to be only one Authorizing Subdivision (whether a county, city or town), the governing body of the Authorizing Subdivision shall elect all the Directors. If there is to be more than one Authorizing Subdivision, the respective governing bodies of the Authorizing Subdivisions shall each elect the same number of Directors; and one additional Director shall be elected jointly by the governing bodies of all the Authorizing Subdivisions. Each Director shall be a resident of the Authorizing Subdivision by whose governing body he was elected, except that the said additional Director need only be a resident of the county in which is located the principal office of the Authority, as specified in its certificate of incorporation. In the event of a vacancy which continues for more than thirty (30) days in the office of the said additional Director, then and in such event the Governor of Alabama shall, upon the request of the governing body of any Authority Subdivision, appoint the said additional Director. No officer of the State or any county, city or town therein shall, while holding such office, be eligible to serve as a Director. If any Director resigns, dies or becomes incapable or ineligible to act as a director, a successor to serve the unexpired portion of his term shall be elected in the manner prescribed hereinabove by the governing body of the Authorizing Subdivision which elected the Director whose unexpired term he is filling or, in the case of the said additional Director, by all such governing bodies. Failing such election for a period of more than thirty (30) days, such successor shall, upon the request of the governing body of any Authorizing Subdivision, be appointed by the Governor of the State. Directors shall be eligible for re-election.

A majority of the Directors shall constitute a quorum for the transaction of business but any meeting of the Board may be adjourned from time

to time by a majority of the Directors present or may be so adjourned by a single Director if such Director is the only Director present at such meeting. No vacancy in the membership of the Board shall impair the right of a quorum to exercise all the powers and duties of the Authority. The Board shall hold regular meetings on the second Tuesday in each month and at such other times as may be provided in the bylaws of the Authority; and the Board may hold other meetings at any time and from time to time, provided that upon call of the chairman of the Authority or any two Directors, a special meeting of the Board must be held. Any matter on which the Board is authorized to act may be acted upon at any regular, special or called meeting. At the request of any Director, the vote on any question before the Board shall be taken by yeas and nays and entered upon the record. All proceedings of the Board shall be reduced to writing by the secretary of the Authority, recorded in a well bound book and open to each Director and to the public at all reasonable times. Copies of such proceedings, when certified by the secretary of the Authority under its seal, shall be received in all courts as evidence of the matters and things therein certified.

Directors shall receive no compensation for their services as directors; however, each Director may be reimbursed for expenses actually incurred by him in and about the performance of his duties. Any Director may be impeached and removed from office in the same manner and on the same grounds provided by Section 175 of the Constitution of Alabama and the general laws of the State for impeachment and removal of the officers mentioned in said Section 175.

Section 6. Officers of the Authority. The officers of the Authority shall consist of a chairman, a vice-chairman, a secretary, a treasurer and such other officers as the Board shall deem necessary to accomplish the purposes for which the Authority was organized. The chairman, vice-chairman and secretary of the Authority shall be elected by the Board from its membership, but neither the treasurer nor any of the other officers of the Authority need be a member of the Board. Subject to the provisions of the immediately preceding sentence, the offices of secretary and treasurer may, but need not be, held by the same person. The chairman, vice-chairman and secretary of the Authority shall be elected by the Board for a term of one year, and the treasurer and the other officers of the Authority shall be elected by the Board for such term as it deems advisable. The duties of the chairman, vice-chairman, secretary and treasurer shall be such as are customarily performed by such officers and as may be prescribed by the Board. The duties of any other officer of the Authority shall be such as are from time to time prescribed by the Board.

Section 7. Powers of the Authority—In General. Each Authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form:

- (1) to have succession by its corporate name for the duration of time (which may be in perpetuity) specified in its certificate of incorporation;
- (2) to sue and be sued in its own name in civil suit and actions;
- (3) to adopt and make use of a corporate seal and to alter the same at pleasure;
- (4) to adopt and alter by-laws for the regulation and conduct of its affairs and business;
- (5) to acquire, receive, take and hold, whether by purchase, gift, lease, devise, or otherwise, property of every description, whether real, personal or

mixed, whether in one or more counties and whether within or without the boundaries or corporate limits (as the case may be) of any Authorizing Subdivision, and to manage said property, and to develop any undeveloped property owned, leased or controlled by it in a manner necessary or convenient to carry out the purposes of this Act;

(6) to execute such contracts and other instruments and to take such other action as may be necessary or convenient to carry out the purposes of this Act or the exercise of any power granted hereunder;

(7) to plan, establish, acquire (by purchase, gift, lease, or devise), construct, enlarge, reconstruct, improve, operate, maintain, replace, repair, extend, improve, regulate and protect Railroad Properties and Facilities within the boundaries or corporate limits (as the case may be) of any of its Authorizing Subdivisions and within any Additional Rail Service Area;

(8) to make the use and services of its Railroad Properties and Facilities available to others in the furtherance of the purposes of this Act and upon such terms and conditions as the Board shall deem proper, and to lease such Railroad Properties and Facilities to others upon such terms and conditions as the Board may determine, unless specifically provided for herein;

(9) to receive and accept contributions, grants or other financial assistance from the Federal Government, the State or any political subdivision thereof, to be used in furtherance of the purposes of this Act;

(10) to establish schedules of tolls, fees, rates, charges and rentals for the use of its Railroad Properties and Facilities and to charge, alter and collect such tolls, fees, rates, charges and rentals in carrying out the provisions of this Act;

(11) to make contracts and execute instruments containing such covenants, terms and conditions as in the judgment of the Board may be necessary, proper or advisable for the purpose of obtaining grants, loans or other financial assistance from any federal or state agency for or in the aid of the acquisition or improvement of the Railroad Properties and Facilities herein provided; to make all other contracts and execute all other instruments including, without limitation, licenses, long and short-term leases, mortgages and deeds of trust and other agreements relating to the Railroad Properties and Facilities within the boundaries or corporate limits (as the case may be) of any of its Authorizing Subdivisions and within any Additional Rail Service Area, and the construction, operation, maintenance, repair and improvement thereof as in the judgment of the Board may be necessary, proper or advisable for the furtherance of the purposes of this Act and the full exercise of the powers herein granted; and to carry out and perform the covenants, terms and conditions of all such contracts or instruments;

(12) to acquire, by purchase, gift, devise or lease, existing Railroad Properties and Facilities, whether in one or more counties and whether within or without the boundaries or corporate limits (as the case may be) of any of its Authorizing Subdivisions;

(13) to issue revenue Bonds payable from the limited sources hereinafter referred to;

(14) to pledge for payment of such Bonds any revenues and funds from which such Bonds are made payable;

(15) to make and enter into contracts, leases and agreements incidental

to or necessary for the accomplishment of any purposes for which the Authority was organized;

(16) to exercise the power of eminent domain in the manner and subject to the provisions of Title 18 of the Code of Alabama of 1975, as amended, with respect to any property, real, personal or mixed, whether in one or more counties and whether within or without the boundaries or corporate limits (as the case may be) of any Authorizing Subdivision; provided, that the Authority may not acquire by eminent domain any real property or rights owned or held by Railroads, transportation companies or utilities, either public or private;

(17) to appoint, employ, contract with and provide for compensation of such officers, employees and agents, including engineers, attorneys, consultants, fiscal advisers and such other employees as the business of the Authority may require, including the power to fix working conditions by general rule and other conditions of employment, and at its option to provide a system of disability pay, retirement compensation and pensions, or any of them, and to hire and fire servants, agents, employees and officers at will;

(18) to provide for such insurance, including use and occupancy insurance, as the Authority may deem advisable;

(19) to invest any funds of the Authority that the Board may determine are not presently needed for its corporate purposes in any obligations which are direct general obligations of the United States of America or which are unconditionally guaranteed as to both principal and interest by the United States of America, or in interest-bearing time deposits of any bank or savings and loan association organized under the laws of the State or of the United States of America;

(20) to cooperate with the State, any county, city, town, public corporation, agency, department, or political subdivision of the State, and to make such contracts with them or any of them as the board may deem advisable to accomplish the purposes for which the Authority was established;

(21) to sell and convey any of its properties that may have become obsolete or worn out or that may no longer be needed or useful;

(22) to receive and accept grants for or in aid of the construction, extension, improvement, maintenance or operation of any Railroad Properties and Facilities from the United States of America or any agency thereof, and from the State, any department or agency thereof and any political subdivision thereof, and to receive and accept money, property, labor or other things of value from any source whatever; and

(23) to purchase equipment and supplies necessary or convenient for the exercise of any power of the Authority.

Section 8. Federal and State Aid. Each Authority is authorized to accept, receive, receipt for, disburse and expend Federal and State moneys and other moneys, public or private, made available by grant or loan or both, to accomplish, in whole or in part, any of the purposes of the Act. All Federal moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the United States and as are not inconsistent with the laws of this State, and all State moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by law.

Section 9. Cooperation. For the purpose of aiding and cooperating with an Authority in the planning, development, undertaking, construction,

extension, improvement or operation of Railroad Properties and Facilities, any county, city, town or other political subdivision, public corporation, agency or instrumentality of this State may, upon such terms and with or without consideration, as it may determine:

- (a) Lend or donate money to an Authority;
- (b) Cause water, sewer or drainage facilities, or any other facilities which it is empowered to provide, to be furnished adjacent to or in connection with such Railroad Properties and Facilities;
- (c) Donate, sell, convey, transfer or lease to an Authority any land, property, franchise, grant easement, license or lease, which it may own;
- (d) Donate, transfer, assign, sell or convey to an Authority any right, title or interest which it may have in any lease, contract, agreement, license or property;
- (e) Furnish, dedicate, close, pave, repair, install, grade, regrade, plan or replan streets, roads, roadways and walks from established streets or roads to Railroad Properties and Facilities of an Authority; and
- (f) Do any and all things, whether or not specifically authorized in this section and not otherwise prohibited by law, that are necessary or convenient to aid and cooperate with an Authority in the planning, undertaking, construction, reconstruction, acquisition or operation of Railroad Properties and Facilities.

Section 10. Suits against the Manager or any Director of the Authority. No action or suit shall be brought or maintained against the manager or any Director of an Authority for or on account of the negligence of the Authority or such manager or Director, or its or his agents, servants or employees, in or about the construction, maintenance, operation, superintendence or management of any Railroad Properties and Facilities or other property owned or controlled by the Authority.

Section 11. Bonds of the Authority. Each Authority shall have the power and is hereby authorized at any time and from time to time to issue and sell its revenue Bonds for any of its corporate purposes. The principal of and the interest on all such Bonds shall be payable solely from, and may be secured by a pledge of, the revenues derived by the Authority from the operation, leasing or sale of any or all of its Railroad Properties and Facilities, and other property. No Bonds issued or contracts entered into by the Authority shall ever constitute or create an obligation or debt of the State, or of any county, city or town within the State, or a charge against the credit or taxing powers of the State, or of any county, city or town within the State. Bonds of the Authority may be issued by any time and from time to time, may be in such form, either in bearer form with appurtenant Coupons (and subject to registration as to principal or interest, or both, all as the Board may determine) or in fully registered form without Coupons, and in such denominations, may be of such tenor, may be payable in such installments and at such time or times not exceeding forty years from their date, may be payable at such place or places whether within or without the State, may bear interest at such rate or rates (which may be fixed or which may float or vary based on some index or other standard deemed appropriate by the Board), and shall be payable and evidenced in such manner, all as shall not be inconsistent with the provisions of this Act and as may be provided in the proceedings of the board wherein the Bonds shall be authorized to be issued. Any Bond having a stated maturity more than ten years after its date shall be made subject to redemption at the option of the

Authority not later than the expiration of ten years from its date and on any interest payment date thereafter at such price or prices and after such notice or notices and on such terms and in such manner as may be provided in the proceedings of the Board wherein it is authorized to be issued. Bonds of the Authority may be sold at public or private sale in such manner and from time to time as may be determined by the Board. The Authority may pay all reasonable expenses, premiums, fees and commissions that the Board may deem necessary or advantageous in connection with the authorization, sale and issuance of its Bonds. All Bonds shall contain a recital that they are issued pursuant to the provisions of this Act, which recital shall be conclusive that they have been duly authorized pursuant to the provisions of this Act. Neither a public hearing nor the consent of any agency of the State or any subdivision thereof shall be prerequisite to the issuance of Bonds by any Authority. Notwithstanding the fact that they are payable solely from a specified source, all Bonds issued under the provisions of this Act shall be deemed negotiable instruments within the meaning of the negotiable instruments law of the State if they otherwise possess all the characteristics of negotiable instruments under the laws of the State.

Section 12. Execution of Bonds. All Bonds shall be signed by the chairman or vice-chairman and the secretary or treasurer of the Authority and the seal of the Authority shall be affixed thereto. A facsimile of the signature of one, but not both, of the officers whose signatures will appear on the Bonds may be imprinted or otherwise reproduced thereon in lieu of his manually signing the same; provided, however, that a facsimile of the signature of both such officers may be imprinted or reproduced on such Bonds if such Bonds are required to be authenticated by the manual signature of the duly designated registrar of such Bonds, or an authorized officer of such registrar; and provided further, that a facsimile of the seal of the Authority may be imprinted or otherwise reproduced on the Bonds in lieu of being manually affixed thereto. Coupons shall be signed by the chairman or vice-chairman and the secretary or treasurer of the Authority, but a facsimile of the signature of such chairman or vice-chairman and such secretary or treasurer may be impressed or otherwise reproduced on any such Coupons in lieu of their manually signing the same. Delivery of Bonds so executed shall be valid notwithstanding any changes in officers or in the seal of the Authority after the signing and sealing of the Bonds.

Section 13. Security for Bonds. In the discretion of the Authority any Bonds may be issued under and secured by an Indenture between the Authority and a trustee. Said trustee may be a private person or corporation, including (but not limited to) any trust company or bank having trust powers, whether such bank or trust company is located within or without the State. In any such Indenture or resolution providing for the issuance of Bonds, the Authority may pledge, for payment of the principal of and the interest on such Bonds, any of its revenues to which its right then exists or may thereafter come into existence and may assign, as security for such payment, any of its leases, franchises, permits and contracts; and in any such Indenture, the Authority may mortgage any of its properties, including any that may be thereafter acquired by it. Any such pledge of revenues shall be valid and binding from the time it is made, and the revenues so pledged and thereafter received by the Authority shall immediately become subject to the lien of such pledge without any physical delivery thereof or further act. The lien of such pledge shall be valid and binding against all parties having claims of any kind in tort, contract or otherwise against the Authority, irrespective of whether the parties have actual notice thereof, from the time a statement is filed in the office of the Judge of Probate of the county

in which is located the principal office of the Authority (as specified in its certificate of incorporation) and any other county in which any part of the property, the revenues from which are so pledged, is located. Such notice need state only the date on which the resolution authorizing the issuance of the Bonds was adopted by the Board, the principal amount of Bonds issued, a brief description of the revenues so pledged and a brief description of any property the revenues from which are so pledged.

In any Indenture or resolution authorizing the issuance of Bonds and pledging for the benefit thereof revenues from any of its Railroad Properties and Facilities, the Authority shall have the power to include provisions customarily contained in instruments securing evidence of indebtedness, including, without limiting the generality of the foregoing, provisions respecting the collection, segregation and application of any rental or other revenue due to or to become due to the Authority, the terms to be incorporated in any lease agreement respecting any property of the Authority, the maintenance and insurance of any building or structure owned by the Authority, the creation and maintenance of special funds from any revenue of the Authority and the rights and remedies available in the event of default to the holders of the Bonds or the trustee under the Indenture, all as the Board shall deem advisable and as shall not be in conflict with the provisions of this Act. If there be any default by the Authority in payment of the principal of or the interest on the Bonds or in any of the agreements on the part of the Authority that may properly be included in any Indenture securing the Bonds, any holder of Bonds or Coupons, or the trustee under any Indenture if so authorized in such Indenture, may (in addition to any other remedies herein provided or otherwise available) either at law or in equity, by suit, action, mandamus or other proceedings, enforce payment of such principal or interest and compel performance of all duties of the Board and officers of the Authority, and shall be entitled as a matter of right, and regardless of the sufficiency of any such security, to the appointment of a receiver in equity with all the powers of such receiver for the operation and maintenance of the property of the Authority covered by such Indenture and the collection, segregation and application of revenues therefrom. The Indenture may also contain provisions restricting the individual rights of action of the holders of the Bonds and Coupons.

Section 14. Use of Proceeds from Sale of Bonds. The proceeds derived from the sale of any Bonds (other than refunding Bonds) may be used only to pay the costs of acquiring, constructing, improving, enlarging and equipping the Railroad Properties and Facilities, or other property with respect to which they were issued, as may be specified in the proceedings in which the Bonds are authorized to be issued. Such costs shall be deemed to include the following: the costs of any land or easements forming a part of such Railroad Properties and Facilities or other property; the cost of labor, material and supplies used in any such construction, improvement or enlargement, including architects' and engineers' fees, and the cost of preparing contract documents and advertising for bids; the purchase price of, and the cost of installing equipment for use in connection with, such Railroad Properties and Facilities or other property; the cost of constructing and installing roads, sidewalks, curbs, gutters, utilities, and parking places in connection with such Railroad Properties and Facilities or other property; the amounts of any debt service, maintenance and capital improvement and other similar reserves deemed advisable; legal, fiscal and recording fees and expenses incurred in connection with the authorization, sale and issuance of the Bonds issued in connection with such Railroad Properties and Facilities or other property; and interest on said Bonds for a reasonable period prior

to and during the time required for such construction, improvement, enlargement and equipment and for not exceeding eighteen months after completion thereof. If any of the proceeds derived from the sale of said Bonds remains undisbursed after completion of such work and payment of all of the said costs and expenses, such balance shall be used for retirement of the principal of or the interest on the Bonds of the same issue.

Section 15. Refunding Bonds. An Authority may at any time and from time to time issue refunding Bonds for the purpose of refunding the principal of and the interest on any Bonds of the Authority theretofore issued hereunder and then outstanding, whether or not such principal and interest shall have matured at the time of such refunding, and for the payment of any expenses incurred in connection with such refunding and any premium necessary to be paid in order to redeem, retire or purchase for retirement the Bonds to be refunded. The proceeds derived from the sale of any refunding Bonds shall be used only for the purposes for which the refunding Bonds were authorized to be issued. Any such refunding may be effected either by sale of the refunding Bonds and the application of the proceeds thereof, or by exchange of the refunding Bonds for the Bonds or Coupons to be refunded thereby; provided that the holders of any Bonds or Coupons so to be refunded shall not be compelled without their consent to surrender their Bonds or Coupons for payment or exchange prior to the date on which they may be paid or redeemed by call of the Authority under their respective provisions. All provisions of this Act pertaining to Bonds of an Authority that are not inconsistent with the provisions of this section shall, to the extent applicable, also apply to refunding bonds issued by an Authority. An Authority may at any time and from time to time issue Bonds for the purpose of so refunding the principal of and the interest on any of its Bonds and for any other purpose for which it is authorized to issue Bonds, in which event the provisions hereof respecting refunding Bonds shall apply only to that portion of such combined issue authorized for refunding purposes and the provisions hereof respecting other financing shall apply to the remaining portion of such combined issue.

Section 16. Exemption from Taxation. The Bonds issued by an Authority and the income therefrom shall be exempt from all taxation in the State. All property and income of an Authority shall be exempt from all State, county, municipal and other local taxation; provided, however, that this exemption shall not be construed to exempt concessionaires, licensees, tenants, operators or lessees of the Authority from the payment of any taxes, including licenses or privilege taxes levied by the State, any county or any municipality in the State; and provided further, that the property of an Authority shall be subject to State property taxation beginning in the tax year which begins next after the expiration of three years from the incorporation of the Authority.

Section 17. Investment of County and Municipal Funds in Bonds of the Authority. The governing body of any county, city or town within this State is authorized in its discretion to invest in Bonds of the Authority any idle or surplus money held in its treasury.

Section 18. Eligibility of Bonds as Investments for Trust Funds. Bonds issued under the provisions of this Act are hereby made legal investments for executors, administrators, trustees and other fiduciaries, unless otherwise directed by the court having jurisdiction of the fiduciary relation or by the document that is the source of the fiduciary's authority. Such Bonds shall be legal investments for savings banks and insurance companies organized under the laws of the State.

Section 19. Notice of Bond Resolution. Upon the adoption by the Board of any resolution providing for the issuance of Bonds, the Authority may in its discretion cause to be published once a week for two consecutive weeks, in a newspaper that is customarily published in this State not less than five days in each calendar week and distributed in the county in which is located the principal office of the Authority, a notice in substantially the following form (the blanks being properly filled in) at the end of which there shall be printed the name and title of either the chairman or secretary of the Authority:

“_____, a public corporation of the State of Alabama, on the _____ day of _____, authorized the issuance of \$_____ principal amount of revenue bonds of the said corporation for purposes authorized in the act of the Legislature of Alabama under which the said corporation was organized. Any action or proceeding questioning the validity of the said bonds, or the pledge and any instruments securing such bonds, or the proceedings authorizing the same, must be commenced within thirty days after the first publication of this notice.”

Any action or proceeding in any court to set aside or question the proceedings for the issuance of the Bonds referred to in said notice or to contest the validity of any such Bonds or the validity of the pledge and any instruments made to secure such Bonds must be commenced within thirty days after the first publication of such notice. After the expiration of the said period no right of action or defense questioning or attacking the validity of the said proceedings, the said Bonds or the said pledge or instruments shall be asserted, nor shall the validity of the said proceedings, Bonds, pledge or instruments be open to question in any court on any ground whatsoever except in an action commenced within such period.

Section 20. Exemption from Contracting and Purchasing Laws and from Certain Public Service Commission Jurisdiction. Authorities organized pursuant to this Act shall be exempt from (a) all laws relating to the advertising and award of construction contracts and purchase contracts made by or in behalf of the State and its departments and by or in behalf of local governmental authorities in the State (not including, however, laws relating to surety bond requirements for such contracts), and (b) from all jurisdiction of and all regulation and supervision by the Alabama Public Service Commission (other than rate regulation) or other successor or similar agency.

Section 21. Dissolution of Authority. At any time when no Bonds of an Authority are outstanding, such Authority may be dissolved upon the filing, with the Judge of Probate of the county in which is filed the certificate of incorporation, of an application for dissolution, which shall be subscribed by each Director and sworn to by each Director before an officer authorized to take acknowledgments to deeds. Upon the filing of such application for dissolution, the Authority shall cease to exist. Said Probate Judge shall receive and record the application for dissolution in an appropriate book of record in his office. Upon dissolution, all rights, title and interests of the Authority in property shall be vested in the Authorizing Subdivisions pursuant to the provisions of the certificate of incorporation, or, in the absence of such provisions, shall be vested in the Authorizing Subdivisions, share and share alike.

Section 22. Cumulative Provisions. The provisions of this Act are cumulative and shall not be deemed to repeal existing laws, except to the extent such laws are clearly inconsistent with the provisions of this Act.

Section 23. Severability. In the event any section, sentence, clause or portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this Act, which shall continue effective.

Section 24. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming law.

Yeas 22; Nays 0.

Yeas:

Senators:	Corbett	Hilliard	Sanders	
Bailey	deGraffenried	Holmes	Smith (B)	
Barron	Denton	Langford	Smith (J)	
Bedford	Drinkard	Little	Strong	
Bennett	Foshee	Menton	Teague	
Cooley	Hand	Mitchem		—22

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 13. To make certain legislative findings regarding horse racing and pari-mutuel wagering thereon in Class 1 municipalities (now defined by statute to be cities with a population of 300,000 inhabitants or more as certified by the 1970 federal decennial census); to define the particular terms used in the substantive provisions of this Act; to authorize the creation of a racing commission in any Class 1 municipality; to provide for a referendum of the voters of any Class 1 municipality on the question of whether this Act will become effective in such municipality; to provide that horse racing and pari-mutuel wagering thereon shall be lawful in any Class 1 municipality in which a racing commission shall be incorporated pursuant to the provisions of this Act; to provide for the designation or appointment and the terms of office of the members and officers of any such racing commission; to provide for and authorize the incorporation of any such racing commission upon the filing by the members thereof of an application with the Secretary of State; to specify the general powers and duties of any such racing commission, including the power to adopt rules and regulations governing diverse aspects of horse racing, the exposure of the public thereto, and the conduct of pari-mutuel wagering thereon; to provide for the issuance by any such racing commission of licenses for owners and operators of racing facilities; to prescribe the methods for applying for such licenses, the manner in which such applications are to be reviewed by any such racing commission, and the terms and conditions upon which such licenses shall be granted and held; to provide for the suspension or revocation of any such license; to provide for the issuance by any such racing commission of permits to companies and individuals engaged in certain activities related to horse racing; to prescribe the method for applying for such permits and the manner in which such applications are to be reviewed by any such racing commission; to provide for the suspension or revocation of any such permit; to authorize and provide rules for the conduct of pari-mutuel wagering on horse racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel

pools which are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of license fees for pari-mutuel wagering by each licensed operator to the state and to the racing commission licensing such operator and to specify the methods for determining the amounts of such fees and the schedule on which such fees shall be payable; to authorize any such racing commission to make rules and regulations under which television or radio coverage of racing events held outside the state may be transmitted to racing facilities governed by such racing commission and made the subject of pari-mutuel wagering under the provisions of this Act; to authorize any such racing commission to make rules and regulations under which television or radio coverage of racing events held at racetracks under the jurisdiction of such commission may be transmitted for the entertainment of the public or for the purpose of pari-mutuel wagering at locations outside the state; to provide that a specified percentage of total pari-mutuel wagering revenues shall be used for purses to be paid to the owners of horses competing in races; to provide for the establishment by each racing commission of a special fund for the purpose of promoting the breeding, raising and racing of thoroughbred and standardbred horses in the state, to specify the source and amounts of moneys for such fund, to specify certain purposes for which the moneys in such fund shall be used, and to authorize such racing commission to make rules and regulations for the administration of such fund and the disbursement of moneys therefrom; to specify the purposes for which the net revenues of each racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to prohibit certain activities related to racing events; to provide that certain prohibited activities constitute crimes and to specify the penalties therefor; in the event that a state racing commission shall be established pursuant to any act enacted before or after the effective date of this Act, to provide in such event that any municipal racing commission created under this Act and its licensees shall be exempt from the jurisdiction of such state racing commission and from all laws providing for or relating to such state racing commission for a period beginning with the effective date of this Act and continuing until the fifth anniversary of the date on which racing events shall first be conducted under the jurisdiction of such municipal racing commission; to provide that pari-mutuel wagering with respect to horse racing may not be conducted in any Class 1 municipality within the state unless approved at a referendum at which all of the qualified voters residing in the county or counties in which such municipality, or any part thereof, is located are permitted to cast votes; to provide that the provisions of this Act shall be severable; to provide that this Act shall govern in the event of a conflict between its provisions and existing laws; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise horse racing and pari-mutuel wagering thereon in Class 1 municipalities.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 13. To make certain legislative findings regarding horse racing and pari-mutuel wagering thereon in Class 1 municipalities (now defined by

statute to be cities with a population of 300,000 inhabitants or more as certified by the 1970 federal decennial census); to define the particular terms used in the substantive provisions of this Act; to authorize the creation of a racing commission in any Class 1 municipality; to provide for a referendum of the voters of any Class 1 municipality on the question of whether this Act will become effective in such municipality; to provide that horse racing and pari-mutuel wagering thereon shall be lawful in any Class 1 municipality in which a racing commission shall be incorporated pursuant to the provisions of this Act; to provide for the designation or appointment and the terms of office of the members and officers of any such racing commission; to provide for and authorize the incorporation of any such racing commission upon the filing by the members thereof of an application with the Secretary of State; to specify the general powers and duties of any such racing commission, including the power to adopt rules and regulations governing diverse aspects of horse racing, the exposure of the public thereto, and the conduct of pari-mutuel wagering thereon; to provide for the issuance by any such racing commission of licenses for owners and operators of racing facilities; to prescribe the methods for applying for such licenses, the manner in which such applications are to be reviewed by any such racing commission, and the terms and conditions upon which such licenses shall be granted and held; to provide for the suspension or revocation of any such license; to provide for the issuance by any such racing commission of permits to companies and individuals engaged in certain activities related to horse racing; to prescribe the method for applying for such permits and the manner in which such applications are to be reviewed by any such racing commission; to provide for the suspension or revocation of any such permit; to authorize and provide rules for the conduct of pari-mutuel wagering on horse racing events; to specify the minimum proportionate amounts of the deposits to pari-mutuel pools which are to be distributed to the holders of winning pari-mutuel tickets; to provide for the payment of license fees for pari-mutuel wagering by each licensed operator to the state and to the racing commission licensing such operator and to specify the methods for determining the amounts of such fees and the schedule on which such fees shall be payable; to authorize any such racing commission to make rules and regulations under which television or radio coverage of racing events held outside the state may be transmitted to racing facilities governed by such racing commission and made the subject of pari-mutuel wagering under the provisions of this Act; to authorize any such racing commission to make rules and regulations under which television or radio coverage of racing events held at racetracks under the jurisdiction of such commission may be transmitted for the entertainment of the public or for the purpose of pari-mutuel wagering at locations outside the state; to provide that a specified percentage of total pari-mutuel wagering revenues shall be used for purses to be paid to the owners of horses competing in races; to provide for the establishment by each racing commission of a special fund for the purpose of promoting the breeding, raising and racing of thoroughbred and standardbred horses in the state, to specify the source and amounts of moneys for such fund, to specify certain purposes for which the moneys in such fund shall be used, and to authorize such racing commission to make rules and regulations for the administration of such fund and the disbursement of moneys therefrom; to specify the purposes for which the net revenues of each racing commission remaining after the payment of its expenses are to be applied and to provide for the disbursement of such net revenues for such purposes; to prohibit certain activities related to racing events; to provide that certain prohibited activities constitute crimes and to specify the penalties therefor; in the event that a state racing commission shall be established pursuant to

any act enacted before or after the effective date of this Act, to provide in such event that any municipal racing commission created under this Act and its licensees shall be exempt from the jurisdiction of such state racing commission and from all laws providing for or relating to such state racing commission for a period beginning with the effective date of this Act and continuing until the fifth anniversary of the date on which racing events shall first be conducted under the jurisdiction of such municipal racing commission; to provide that pari-mutuel wagering with respect to horse racing may not be conducted in any Class 1 municipality within the state unless approved at a referendum at which all of the qualified voters residing in the county or counties in which such municipality, or any part thereof, is located are permitted to cast votes; to provide that the provisions of this Act shall be severable; to provide that this Act shall govern in the event of a conflict between its provisions and existing laws; and to provide for such other matters as are necessary to authorize, regulate, license, administer and supervise horse racing and pari-mutuel wagering thereon in Class 1 municipalities.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 83. EXPRESSING APPRECIATION TO THE U.S. MARINES WHO SERVED IN LEBANON.

Also:

S. J. R. 107. COMMENDING AND CONGRATULATING CLAY COUNTY HOSPITAL AND NURSING HOME.

Also:

S. J. R. 109. REQUIRING ALL AGENCIES OF THIS STATE AND THEIR POLITICAL SUBDIVISIONS TO PURCHASE ALL ARTICLES AND PRODUCTS NECESSARY BY SUCH AGENCIES FROM THE DEPARTMENT OF CORRECTIONS AS REQUIRED BY TITLE 14, SECTION 7, PARAGRAPH 13.

Also:

S. J. R. 112. MOURNING THE UNTIMELY AND TRAGIC DEATH OF MRS. MURREL LOLLEY RICHMOND.

Also:

S. J. R. 115. MOURNING THE DEATH OF MRS. KATHLEEN
McCLAIN LAWSON.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 3. RELATIVE TO CREATING A JOINT LEGISLATIVE
INTERIM COMMITTEE TO STUDY THE STEEL INDUSTRY.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Campbell:

H. 233. To propose a constitutional amendment amending Article XI, Section 214, Constitution of Alabama of 1901, providing for the levy by the State, in addition to all other taxes presently levied, of a 6 mill tax on property, and providing for certain exemptions therefrom.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 233. To the Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

RESOLUTIONS

Senator Covington offered the following Senate Resolution, to-wit:

S. R. 129. MOURNING THE DEATH OF MR. BENJAMIN
ROBERT LINDSAY, PROMINENT DALE COUNTIAN.

Which was adopted.

Senators Smith (B), Smith (J), Barron, and Cooley offered the following Senate Resolution, to-wit:

S. R. 130. COMMENDING THE UNIVERSITY OF ALABAMA-
HUNTSVILLE ICE HOCKEY CHARGERS, CENTRAL STATES COL-
LEGIATE HOCKEY ASSOCIATION SEASON CHAMPIONS.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Campbell:

H. 222. This bill proposes a constitutional amendment relating to state income taxes. It increases the maximum rate of state income taxes from five percent to six percent and preserves the deductibility of federal income taxes as provided in existing law.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 222. To the Committee on Finance and Taxation.

The above Bill was read a first time at length as required by the Constitution.

MOTIONS IN WRITING

Senator Barron offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 50, on page 12 of the Fourteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 50, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Barron then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 191, on page 15 of the Fourteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 191, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Cabaniss offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 90, on page 4 of the Fourteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 90, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Little offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 190, on page 32 of the Fourteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 190, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Little then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 163, on page 48 of the Fourteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 163, referred to the Standing Committee on Rules for placement on the Consent Calendar.

REPORTS OF COMMITTEES

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Amari and Bennett (With Amendment):

S. 145. To require city and county boards of education, the State Board of Education, the Department of Youth Services, the Alabama Institute for Deaf & Blind and the governing boards of Alabama's public senior universities to provide vehicle liability insurance to cover personal liabilities of moving vehicle accidents for bus drivers or any employee required to transport pupils.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Goodwin, Foshee, Parsons, Corbett, and Bishop:

S. 371. To amend Section 36-22-63, Code of Alabama 1975, relating to the purchase of prior service credit for participation in the supernumerary sheriff's program, so as to extend the time within which such a purchase may be made.

By Senator Barron:

S. 427. To provide further for the assessment and collection of ad valorem taxes on certain real property which has been improved with a new residential structure constructed for re-sale.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Johnson (Roy) (With Substitute):

H. 454. To amend § 40-23-7, Code of Alabama 1975, so as to revise the payment schedule to require that payers of large State sales tax liabilities will pay on an estimate basis during the period in which the tax liability accrues and to provide for distribution of the revenues.

By Senators Mitchem, Barron, Bailey, and Cooley (With Substitute):

S. 469. To make an appropriation, in addition to any other appropriation provided, of \$500,000 from the special educational trust fund for the fiscal year ending September 30, 1984, to Auburn University's Agricultural Experiment Station for the purchase of equipment and facilities in poultry research and Farm Phase II research.

By Senator Little (With Substitute):

S. 426. To make legislative findings regarding the need to provide additional methods of providing wastewater treatment facilities as well as the need for funds to finance such facilities; to define the particular terms used in the subsequent provisions of this act; to provide for and authorize the incorporation by any county or municipality in the state of one or more public corporations and instrumentalities of the state, upon the filing of an application with, and the making of certain determinations by, the governing body of a county or municipality; to provide for and authorize the certificate of incorporation of any such corporation to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such county or municipality; to provide for a board of directors of any such corporation and the election and removal of the members thereof; to authorize any such corporation to acquire, construct, own, lease, operate, or enter into contracts for the operation of, wastewater treatment facilities, and to provide for the general powers to be exercised by any such corporation and the conditions under which such powers may be exercised; to authorize any such corporation to sell, under installment sales agreements or other contractual arrangements satisfactory to the corporation, any wastewater facility of the corporation, and to grant options to purchase any such facility; to empower any such corporation to enter into long-term exclusive contracts for the receiving, treatment and disposal of pollutants; to empower any such corporation to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds and other obligations payable solely out of the revenues, receipts, income, funds or other sources (including installment sales agreements) specified in the proceedings under which such bonds, notes or other obligations are issued; to authorize any such corporation to pledge its revenues and income (including amounts to be received under installment sales or other contractual arrangements) and mortgage or assign its assets as security for its notes, bonds or other obligations; to provide for the issuance of refunding bonds, notes or other obligations by any corporation for the purpose of refunding bonds, notes or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such corporation; to provide that the notes, bonds or other obligations of any such corporation shall not constitute or create a debt of the state or any county, municipality or other political subdivision or agency thereof; to provide that the notes, bonds and other obligations of any such corporation may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the state the property, corporate activities, revenues and income of such corporation, such transaction or actions to which each such corporation is a party or in which it may be involved, and the notes, bonds and all other obligations of each such corporation and the income from such notes, bonds and obligations; to exempt any such corporation from all laws of the state governing usury or prescribing or limiting interest rates; to exempt any such corporation from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to provide for liberal construction of

the provisions of this act; to confer upon any corporation organized under the provisions of this act the power of eminent domain; to exempt any corporation organized under the provisions of this act from state supervision and control; to provide that any county, municipality or other political subdivision, agency or instrumentality of the state or any county or municipality may aid and cooperate with any such corporation, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to authorize any county, municipality or other political subdivision, agency or instrumentality of the state or any county or municipality to enter into contracts, for a term not exceeding thirty (30) years; providing for the delivery to the corporation of pollutants and payments by such entity to the corporation; to provide that such entity may be required to make payments to such corporation with respect to such disposal and treatment of pollutants even though such corporation is at the time such payment is to be made unable to effect such treatment and disposal or such entity is at the time such payment is to be made unable to deliver such pollutants; to provide that to the extent that such contracts recite that the amounts payable thereunder shall be payable annually out of the general operating funds of such entity then such contracts shall not constitute a debt of any county, municipality or political subdivision, agency or instrumentality; to provide that any such corporation shall be a not-for-profit corporation; to provide that any such corporation may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes or other obligations by such corporation, and to provide that any action or proceeding questioning the validity of any such bonds, notes or other obligations or instruments securing the same must be commenced within thirty (30) days after the first publication of said notice; to provide for the dissolution of any such corporation and for the vesting of title to its properties; and to provide that the provisions of this act shall be severable.

Senator Langford, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Bedford, Foshee, Cooley, Corbett, Barron, Figures, Hilliard, Teague, Denton, Strong, and Hand:

S. 328. To amend Section 12-13-20, Code of Alabama, 1975, as amended, which relates to salaried probate judges' minimum compensation so as to further provide for such compensation.

By Senators Cooley and Bennett:

S. 438. To amend Section 12-15-7 of the Code of Alabama 1975, relating to appointment of juvenile probation officers, so as to provide further for such appointments.

By Senator Teague:

S. 446. To authorize any municipality or group of municipalities, either individually or collectively, to establish a health and accident self-insurance group for the purpose of providing health care and hospital benefits for their officers, employees and family members dependent upon such officers or employees; to authorize the use of public funds in providing such benefits; to provide procedures for the establishment and operation of such groups; to exempt such groups from the regulation by the Department of

Insurance of the State of Alabama; to exempt such groups from insurance premium taxes; and to establish an effective date.

By Senator Teague:

S. 448. To provide that the department of economic and community affairs shall be the administrative state agency for contracts for sales of certain state property heretofore administered by the finance department; to provide for orderly transfer of certain properties and funds from the finance department to the department of economic and community affairs; to authorize the department of economic and community affairs to prescribe procedures, rules, and regulations for the administration of such contracts; to provide for collection of certain administrative fees associated with such contracts; to provide that said department shall be designated as the state agency for distribution of federally donated surplus property; to prescribe penalties for violations of this act; to provide for certain personnel for the department of economic and community affairs, and to specifically repeal Article 5, Chapter 16, Title 41, of the Code of Alabama, 1975.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Little:

S. 421. To amend Section 38-7-2, Code of Alabama 1975, which relates to the licensing of child care facilities, so as to further define certain terms.

By Senator Bailey:

S. 286. To amend Section 16-13-52 of the Code of Alabama 1975 as amended, relating to average daily attendance by changing from the first four scholastic months to the first three scholastic months for determining average daily attendance in apportioning the minimum program fund.

Senator Holmes, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senator Foshee (With Amendments):

S. 401. Relating to the practice and occupations of plumbing and gas fitting work; to provide for the optional certification of such practices at a state level; to define legislative intent and definitions; to create the Alabama Board of Plumbing and Gas Certification; to provide for the composition, meetings, business, powers and responsibilities of the board; to provide for local programs of certifying plumbers and gas fitters; to administer examinations, fees, and performance bonds of applicants who seek board certification; to provide for the deposit and use of fees; to make an appropriation from the state general fund to initiate the state program; to provide exceptions to this act; to preserve local programs operating pursuant to Act No. 529, H. 977, 1949 Regular Session; to expressly authorize future local laws for local certification programs; to authorize the publishing and distribution of a list of the board's certificates; to provide for a grievance procedure for actions of the board; to provide for enforcement of the provisions of this act; to authorize reciprocal agreements with other states; and to prescribe penalties for violations of this act.

Senator Holmes, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Holmes:

S. 378. To amend sections 8-17-210, 8-17-211, 8-17-217, 8-17-218, 8-17-221, 8-17-222, 8-17-224, 8-17-225 and 8-17-226, Code of Alabama 1975, which provide for the regulation of fireworks in Alabama, so as to revise the definition of "retailer" to include provisions for seasonal retailers; to revise the definition of "distributor" to include provisions for all persons making sales of fireworks for resale; to require all permits to be displayed; to require persons shipping fireworks within the state to apply for permits; to prohibit mail order sales of fireworks; to provide further for permit fees and the distribution of proceeds therefrom; to provide further for the prohibition of the sale of certain fireworks; to provide further for the display of fireworks; to prohibit sales of fireworks to persons under 16, and to provide for the sale of confiscated fireworks.

Senator Smith (B), Chairperson of the Standing Committee on Industrial Expansion, Economic Growth, and Jobs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Mitchem:

S. 418. To amend Sections 41-7-1 and 41-7-5, Code of Alabama 1975, which established the bureau of publicity and information, so as to change the name to the bureau of tourism and travel.

UNFINISHED BUSINESS

BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 321. To establish service territories for electric suppliers within the State; to provide the means of eliminating or reducing the potential for duplication of electric distribution facilities used for furnishing retail electric service; to mandate and implement the determination of which electric supplier shall furnish retail electric service to electric customers within various areas of the State including areas within present and future corporate limits of municipalities; to provide that the primary electric supplier within each municipality in the State shall have the right, at its option, to purchase all distribution facilities of any secondary electric supplier used to supply retail electric service within the existing municipal limits and have the right to serve all premises within the existing municipal limits, subject to certain conditions; to define the right and obligation of municipalities and municipally-owned electric suppliers to provide electric service in areas outside the existing municipal limits; to provide for resolution of disputes between electric suppliers regarding sale or purchase of electric facilities; to provide for the applicability of certain provisions of Title 37, Code of Alabama (1975); to provide exemptions from the provisions of this Act for certain agreements between electric suppliers; to prohibit the providing of electric service in violation of this Act; to provide for judicial review and validation of the provisions of this Act by the courts and sets out procedures governing such proceedings and appeals therefrom; provides that the provisions of the

Act are not severable and that if any provision is declared invalid under state law, the remaining provisions also shall be invalid, and further provides that if the Act is declared invalid, any actions taken by any party in conformity with the provisions of the Act shall be lawful but that any electric service rendered pursuant to the provisions of the Act shall be terminated; and to repeal all laws or parts of laws in conflict herewith.

as amended, and pending amendment No. 4 offered by Senator Bailey, which said amendment is set out in the Journal of the Senate for the Thirteenth Legislative Day.

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 117. MOURNING THE DEATH OF MR. CYRUS E. NEWMAN, PROMINENT ALABAMA CONSERVATIONIST.

On motion of Senator Bishop, the Resolution was then adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 144. HONORING THE CARVER HIGH SCHOOL WOLVERINES, STATE 4-A BASKETBALL CHAMPIONS.

Also:

H. J. R. 151. COMMENDING MR. NORMAN H. DAVIS FOR OUTSTANDING SERVICE AS DIRECTOR OF THE MOBILE COUNTY EMERGENCY MANAGEMENT AGENCY.

Also:

H. J. R. 152. COMMENDING DOTHAN HIGH SCHOOL BAND AND DIRECTORS, TONY AND RHONDA WHETSTONE.

Also:

H. J. R. 153. COMMENDING BUNNIE E. SUTTON, MOBILE, ALABAMA, FOR HER OUTSTANDING CIVIC AND CHARITABLE CONTRIBUTIONS.

Also:

H. J. R. 150. COMMENDING MR. AND MRS. LUTHER EDGAR BETHUNE ON THEIR 53RD WEDDING ANNIVERSARY.

Also:

H. J. R. 147. MOURNING THE DEATH OF STATE CONSERVATION OFFICER GRADY RUSSELL JACKSON.

Also:

H. J. R. 146. COMMENDING OMICRON LAMBDA CHAPTER OF ALPHA PHI ALPHA FRATERNITY.

Also:

H. J. R. 143. MOURNING THE DEATH OF MR. JAMES McCOY MAYS OF ATMORE, ALABAMA.

Also:

H. J. R. 141. COMMENDING MR. THOMAS Z. ATKESON OF DECATUR, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 140. COMMENDING MRS. LENA F. (LEE) CANNON FOR OUTSTANDING SERVICE WITH THE ALABAMA COOPERATIVE EXTENSION SERVICE AND ALABAMA PUBLIC TELEVISION.

Also:

H. J. R. 138. COMMENDING MR. J. E. "NED" BEARDEN, PROMINENT SHELBY COUNTY DAIRYMAN AND CIVIC LEADER.

Also:

H. J. R. 117. COMMENDING MR. W. O. LANCE OF LANETT, PROMINENT ALABAMA EDUCATOR.

Also:

H. J. R. 118. COMMENDING MR. JERRY BELK OF TUSCALOOSA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 119. COMMENDING MRS. ALFRED F. DELCHAMPS, JUNIOR, MOBILE'S FIRST LADY FOR 1983.

Also:

H. J. R. 120. COMMENDING ALABAMA NATIONAL GUARD OFFICERS TERRY AND MARY CARTER.

Also:

H. J. R. 121. COMMENDING MR. ALBERT M. PHILIPS OF SILVERHILL, ALABAMA.

Also:

H. J. R. 129. COMMENDING WALKER REBELS.

Also:

H. J. R. 130. MOURNING THE DEATH OF MR. FINIS EWING ST. JOHN, JUNIOR, OF CULLMAN, ALABAMA.

On motion of Senator Bishop, the Resolutions were then concurred in and adopted by the Senate.

FURTHER CONSIDERATION OF S. B. 321

The Senate proceeded to further consideration of the Bill, S. B. 321, as amended. The question was on the amendment No. 4 offered by Senator Bailey.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 54. To provide further for funding of legislative services and to establish procedures therefor.

WHEREAS, operational expenses and all other financial obligations of the Legislature are derived from the state's General and Special Educational Trust Funds and must therefore be budgeted in advance, as is the case with all state departments similarly funded; and

WHEREAS, the Legislature, however, and perhaps more often than any other department or agency, is required by law to respond to emergency situations which can neither be foreseen nor budgeted in advance; and

WHEREAS, most particularly in recent years, the Legislature, through no fault of its own, has been increasingly faced with situations of an emergency nature including but not limited to numerous unplanned extraordinary sessions and the subsequent costs thereof; and

WHEREAS, the Legislature, in order to meet such financial obligations, has therefore been forced to pass supplemental appropriation bills; this of course places demands upon both the General Fund and the Special Educational Trust Fund with the attendant risk of proration, a situation abhorrent to the citizenry of this state; and

WHEREAS, in a sincere effort to eliminate the on-going and ever-increasing problems relative to legislative funding, it is the intent of this Act to provide a funding formula that is both workable and responsible; now therefore,

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Thomas (With Notice and Proof):

H. 474. Relating to Wilcox County; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 474, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Clark (J) (With Notice and Proof):

H. 488. To authorize the Barbour County Commission to compensate a Clerk in the Sheriff's Office.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 488, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Clark (J) (With Notice and Proof):

H. 490. Relating to Barbour County: Fixing the fee for an issuance of a pistol permit by the Sheriff and providing for the disposition and use of the proceeds therefrom; and repealing all laws or parts of laws in conflict with the provisions of this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 490, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Mathis (With Notice and Proof):

H. 459. Relating to Geneva County; providing that a \$1,000.00 damage bond must be posted with the Geneva County governing body before any house or building is moved on any public road within Geneva County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 459, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Black (With Notice and Proof):

H. 528. Relating to Sumter County; to amend Section 2 of Act No. 176, H. 656, Regular Session 1973 (Acts 1973, p. 217), as amended, which relates to expense allowances of the members of the county commission, so as to further provide for such expense allowances and to provide for its retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 528, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Faulk (With Notice and Proof):

H. 541. Relating to Crenshaw County; providing for a discretionary expense allowance for members of the board of registrars, so as to make said expense allowance mandatory.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 541, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

REGULAR SESSION
14th Day

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Also:

By Rep. Faulk (With Notice and Proof):

H. 587. Relating to Butler County; providing an additional expense allowance for the county coroner; and to specifically repeal Act # 213, Acts of Alabama, Regular Session, 1951, page 475.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 587, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. White (F) (With Notice and Proof):

H. 606. Relating to Escambia County; amending Section 3 of Act No. 82-305, S. 484, relating to providing supplemental fee allowances for constables and providing additional court costs, so as to provide for an allocation to the Escambia County Juvenile Fund and to provide for the authority of the County Juvenile Court Judge to expend such funds.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 606, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. White (F) (With Notice and Proof):

H. 607. Relating to Escambia County; amending Sections 1 and 2, Act No. 82-744, H. 105, 1982 Second Special Session (Acts 1982, First, Second and Third Special Sessions, p. 215), providing for the payment, use and distribution of net monies received by the county from severance and privilege tax on oil or gas under local law, including funds received pursuant to Sections 40-20-1 through 40-20-13, Code of Alabama 1975, so as to provide further for the distribution of such proceeds and to include the funds pursuant to Act No. 83-889, H. 26, Fourth Special Session 1983, relating to revenues from submerged lands; and providing retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 607, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. McDowell, Gray, Boles, Spratt, White (G), Beers, Seibels, Bachus, McNair, Davis, Pratt, Escott, and Rogers (With Notice and Proof):

H. 498. Relating to Jefferson County; providing for the salary of the Assistant Tax Collector payable from the County General Fund.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 498, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Pratt, Trammell, Boles, Perdue, Escott, Horn, Davis, Spratt, Rogers, Gray, Biddle, McDowell, McNair, and Beers (With Notice and Proof):

H. 507. To provide a supplemental salary for the Circuit Clerk serving the Tenth Judicial Circuit.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 507, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Davis (With Notice and Proof):

H. 583. To amend Section 1 of Act No. 77 of the 1964 First Special Session of the Legislature of Alabama (Acts, First and Second Special Sessions of 1964, pp. 111-112) to make such act applicable to Class I cities and to provide for and fix the sum of \$1,000.00 per month as an allowance for expenses for the mayor or other chief executive officer of any such city for which he shall not be required to file an accounting; and to provide for the effective date of such increase.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 583, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Boles, McDowell, Trammell, Gray, Spratt, and Preuitt (With Notice and Proof):

H. 503. To provide a supplemental salary for the elected deputy circuit clerk serving the Bessemer Cut-Off Division of the Tenth Judicial Circuit.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 503, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. McDowell, Spratt, White (G), Beers, Seibels, McNair, Davis, Pratt, Escott, Rogers, and Boles (With Notice and Proof):

H. 510. Relating to Jefferson County; providing for an expense allowance for the Assistant Tax Collector payable from the County General Fund and for an expiration date.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 510, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

REGULAR SESSION
14th Day

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Also:

By Reps. McDowell, Gray, Boles, Spratt, White (G), Beers, Seibels, Bachus, McNair, Davis, Pratt, Escott, and Rogers (With Notice and Proof):

H. 508. Relating to Jefferson County; providing for the salary of the Assistant Tax Assessor payable from the County General Fund.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 508, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. McDowell, Spratt, White (G), Beers, Seibels, McNair, Davis, Pratt, Escott, Rogers, and Boles (With Notice and Proof):

H. 509. Relating to Jefferson County; providing for an expense allowance for the Assistant Tax Assessor payable from the County General Fund and for an expiration date.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 509, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Harvey (With Notice and Proof):

H. 511. To alter Blount County Commission Districts One and Two by transferring Beat 39 from District One to District Two.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 511, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 474, 488, 490, 459, 528, 541, 587, 606, 607, and 511. To the Committee on Local Legislation No. 1.

H. B.'s 498, 507, 583, 503, 510, 508, and 509. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Clark (J) (With Notice and Proof):

H. 489. Relating to Barbour County: To provide that the Sheriff shall be entitled to the allowance payable by the State for feeding prisoners.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 489, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Fuller and Laird (With Notice and Proof):

H. 559. To provide an annual supplemental salary for the Judge of the District Court of Chambers County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 559, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Biddle, Escott, Rogers, Boles, Perdue, Spratt, Trammell, and Pratt (With Notice and Proof):

H. 470. Relating to Jefferson County; to authorize the payment of a compensation incentive for personnel assigned by the sheriff on a regular basis to conduct internal investigations or assist in the accountability of funds governed by the sheriff of Jefferson County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 470, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Spratt (With Notice and Proof):

H. 584. Relating to the City of Birmingham; to further amend Section 3.07(h) of Act No. 452, of the Regular Session of the Legislature of Alabama of 1955 (Acts of 1955, page 1004), as amended, also known as the Mayor-Council Act of 1955 so as to provide, that the existing Council employees employed under such section, within 30 days of this bill becoming law, may withdraw from membership in any pension system for general employees of a city organized under said act, upon application for such withdrawal, and that such Council employees employed under said section shall be included in such general pension system of such city upon application for membership within 30 days of appointment.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 584, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 489 and 559. To the Committee on Local Legislation No. 1.

H. B.'s 470 and 584. To the Committee on Local Legislation No. 2.

FURTHER CONSIDERATION OF S. B. 321

The Senate proceeded to further consideration of the Bill, S. B. 321, as amended. The question was on the amendment No. 4 offered by Senator Bailey.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 54. To provide further for funding of legislative services and to establish procedures therefor.

WHEREAS, operational expenses and all other financial obligations of the Legislature are derived from the state's General and Special Educational Trust Funds and must therefore be budgeted in advance, as is the case with all state departments similarly funded; and

WHEREAS, the Legislature, however, and perhaps more often than any other department or agency, is required by law to respond to emergency situations which can neither be foreseen nor budgeted in advance; and

WHEREAS, most particularly in recent years, the Legislature, through no fault of its own, has been increasingly faced with situations of an emergency nature including but not limited to numerous unplanned extraordinary sessions and the subsequent costs thereof; and

WHEREAS, the Legislature, in order to meet such financial obligations, has therefore been forced to pass supplemental appropriation bills; this of course places demands upon both the General Fund and the Special Educational Trust Fund with the attendant risk of proration, a situation abhorrent to the citizenry of this state; and

WHEREAS, in a sincere effort to eliminate the on-going and ever-increasing problems relative to legislative funding, it is the intent of this Act to provide a funding formula that is both workable and responsible; now therefore,

CHARLES BISHOP,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

COMMITTEE REPORT FILED

Pursuant to the provisions of Act 82-255, House Joint Resolution 10 of the 1982 Regular Session, the report of the Joint Interim Committee to Study Tax Structure of the State of Alabama and the Distribution of Tax Revenues was filed with the Secretary.

FURTHER CONSIDERATION OF S. B. 321

The Senate proceeded to further consideration of the Bill, S. B. 321, as amended. The question was on the amendment No. 4 offered by Senator Bailey.

On motion of Senator Strong, said amendment No. 4 was laid on the table.

Yeas 17; Nays 9.

Yeas:

Senators:	Cabaniss	Dial	Goodwin	
Barron	Cooley	Dixon	Smith (B)	
Bedford	Corbett	Ellis	Smith (J)	
Bedsole	Covington	Foshee	Strong	
Bennett	deGraffenried			—17

Nays:

Senators:	Figures	Little	Mitchem	
Bailey	Hand	Menton	Teague	
Denton	Holmes			—9

Senator Bailey then offered the following amendment No. 5 to the Bill, S. B. 321, as amended, to-wit:

AMENDMENT NO. 5 TO S. B. 321, AS AMENDED

I move to amend Senate Bill number 321, as amended, page 1, line 19, by adding after the word "limits" the following:

"of electric municipalities and"

and further at page 1, line 20 by adding before the word "municipalities" the following:

"other"

and further at page 1, line 24 by adding after the word "limits" the following:

"of each electric municipality plus an area one-half mile beyond those municipal limits and within the existing municipal limits of each other municipality"

and further at page 1, line 26 by adding after the word "limits" the following:

"of each electric municipality plus an area one-half mile beyond those limits and within the existing municipal limits of each other municipality, respectively"

and further at page 2, line 26, by adding after the word "future" the following:

"corporate limits of electric municipalities and"

and further at page 2, line 26, by adding after the word "of" the following:
"other"

and further at page 2, line 30 by adding after the word "limits" the following:

"of each electric municipality plus and area one-half mile beyond those municipal limits and within the existing municipal limits of each other municipality"

and further at page 2, line 32 by adding after the word "limits" the following:

"of each electric municipality plus an area one-half mile beyond those municipal limits and within the existing municipal limits of each other municipality"

and further at page 4, line 9 by adding after the word "of" the following:

"electric municipalities and corporate limits of other"

and further at page 6, line 18 by inserting prior to the beginning of section 3 of the bill, the following additional definitions:

"(k) 'Electric Municipality' means any incorporated city, town or other municipality in the state of Alabama which owns, maintains and operates, or causes to be owned, maintained and operated its own electric distribution system. If any city, town or other municipalities heretofore created and established, or hereafter creates and establishes, a public corporation pursuant to section 11-50-310 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, and improvement authority pursuant to section 39-7-1 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, a municipal electric utility board pursuant to section 11-50-490 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, or a municipal power district pursuant to section 37-5-1, et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, then the words 'Electric Municipality' shall refer to the public corporation, improvement authority, utility board or municipal power district, as the case may be, and not to the city, town or other municipality creating and establishing it, unless the context indicates otherwise, so that the public corporation, improvement authority, utility board or municipal power district shall exercise all powers granted by this act to, and undertake all obligations imposed by this act on, the city, town or other municipality creating and establishing it.

(l) 'Other Municipality' means any incorporated city, town or other municipality in the state of Alabama which does not own, maintain or operate

its own electric distribution system or cause to be owned, maintained or operated its own electric distribution system, and has not heretofore created and established and does not hereafter create and establish, a public corporation pursuant to section 11-50-310 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, an improvement authority pursuant to section 39-7-1 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, a municipal electric utility board pursuant to section 11-50-490 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, or a municipal power district pursuant to section 37-5-1, et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import

and further at page 6, line 19 by adding after the word "Limits" the following:

"of Electric Municipalities and Existing Municipal Limits of Other Municipalities"

and further at page 6, line 21 by adding after the word "limits" the following:

"of electric municipalities plus an area one-half mile beyond those municipal limits and outside existing municipal limits of other municipalities"

and further at page 6, line 32 by adding after the word "limits" the following:

"of electric municipalities and existing municipal limits of other municipalities"

and further at page 6, line 36 by adding after the word "outside" the following:

"an area one-half mile beyond the"

and further at page 6, line 36 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 7, line 12 by adding after the word "outside" the following:

"an area one-half mile beyond the"

and further at page 7, line 12 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 7, line 20 by adding after the word "limits" the following:

"of electric municipalities plus an area one-half mile beyond those municipal limits and within existing municipal limits of other municipalities"

and further at page 7, line 25 by adding after the word "outside" the following:

"an area one-half mile beyond the"

and further at page 7, line 25 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 7, line 29 by adding after the word "outside" the following:

"an area one-half mile beyond the"

and further at page 7, line 29 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 8, line 4 by adding after the word "outside" the following:

"an area one-half mile beyond the"

and further at page 8, line 4 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 8, line 22 by adding after the word "within" the following:

"an area one-half mile beyond the"

and further at page 8, line 22 by adding after the word "limits" the following:

"of electric municipalities and within existing municipal limits of other municipalities"

and further at page 9, line 4 by adding after the word "Within" the following:

"and Beyond the Municipal Limits of Electric Municipalities and Within the Municipal Limits of Other"

and further at page 9, line 5 by adding after the word "Within" the following:

"and Beyond"

and further at page 9, line 6 by adding after the word "Limits" the following:

"of Electric Municipalities and Existing Municipal Limits of Other Municipalities"

and further at page 9, line 7 by adding after the word "municipality" the following:

", and, in the case of an electric municipality, within an area one-half mile beyond its existing municipal limits,"

and further at page 9, line 10 by adding after the word "limits" the following:

"of each electric municipality plus an area one-half mile beyond those municipal limits and within the existing municipal limits of each other municipality"

and further at page 9, line 12 by adding after the word "limits" the following:

"of each such electric municipality plus an area one-half mile beyond those municipal limits and within the existing municipal limits"

and further at page 9, line 12 by adding after the word "such" the following:

"other"

and further at page 9, line 14 by adding after the word "option" the following:

"respecting the distribution facilities of secondary suppliers within the existing municipal limits of electric municipalities plus an area one-half mile beyond those municipal limits and within the existing municipal limits of other municipalities"

and further at page 9, line 18 by adding after the word "Act" the following sentence:

"The primary electric supplier must announce its intention to exercise its option respecting the distribution facilities of secondary suppliers in areas annexed within the area one-half mile beyond the existing municipal limits to electric municipalities in writing by registered or certified mail to the affected secondary suppliers within the annexed area, addressed to the chief executive officer or manager of such secondary supplier, no later than nine (9) months after the effective date of the annexation of the affected area."

and further at page 11, line 10 by adding after the word "municipality" the following:

", and, as areas within the area one-half mile beyond the existing municipal limits are annexed by the electric municipality, within those annexed areas"

and further at page 11, line 18 by adding after the word "limits" the following:

"of the electric municipality plus an area one-half mile beyond those municipal limits or within the existing municipal limits"

and further at page 11, line 18 by adding after the word "the" and before the word "municipality" the following:

"other"

and further at page 11, line 19 by adding after the word "municipality" the following:

", as the case may be,"

and further at page 12, line 14 by adding before the word "municipal" the following:

"municipal limits of any electric municipality plus an area one-half mile beyond those municipal limits and within the existing"

and further at page 12, line 14 by adding after the word "any" the following:

"other"

and further at page 14, line 4 by deleting the following:

“within the existing municipal limits”

and substituting therefor the following:

“being served by the distribution facilities subject to the purchase option”

and further at page 14, line 12 by adding after the word “limits” the following:

“of an electric municipality plus an area one-half mile beyond those municipal limits and within the existing municipal limits of an other municipality”

and further at page 14, line 27 by adding after the word “limits” the following:

“of an electric municipality plus an area one-half mile beyond those municipal limits and within the existing municipal limits of an other municipality.”

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 30. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Cosmetology as provided in Sections 34-7-1 through 34-7-47, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. 33. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Alcoholic Beverage Control Board as provided in Sections 28-3-40 through 28-3-53, Code of Alabama 1975, and the legislature's concurrence thereof.

Also:

S. J. R. 45. AUTHORIZING THE JOINT LEGISLATIVE INTERIM COMMITTEE TO STUDY THE ALABAMA AERONAUTICS COMMISSION TO EMPLOY AN INVESTIGATOR.

Also:

S. J. R. 83. EXPRESSING APPRECIATION TO THE U.S. MARINES WHO SERVED IN LEBANON.

Also:

S. J. R. 109. REQUIRING ALL AGENCIES OF THIS STATE AND THEIR POLITICAL SUBDIVISIONS TO PURCHASE ALL ARTICLES AND PRODUCTS NECESSARY BY SUCH AGENCIES FROM THE DEPARTMENT OF CORRECTIONS AS REQUIRED BY TITLE 14, SECTION 7, PARAGRAPH 13.

Also:

S. J. R. 107. COMMENDING AND CONGRATULATING CLAY COUNTY HOSPITAL AND NURSING HOME.

Also:

S. J. R. 112. MOURNING THE UNTIMELY AND TRAGIC DEATH OF MRS. MURREL LOLLEY RICHMOND.

Also:

S. J. R. 115. MOURNING THE DEATH OF MRS. KATHLEEN McCLAIN LAWSON.

CHARLES BISHOP,
Chairperson.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MOTION IN WRITING

Senator Denton offered the following Motion in Writing, to-wit:

MOTION IN WRITING

Notice in Writing having been given on the previous legislative day, motion is now made to amend the Senate Rules as follows:

“RULE 15. (1) Bills on third reading postponed to a day certain shall take precedence of other bills on third reading on such day, and from day to day thereafter until disposed of. Priority of postponed bills shall be in the order of their postponement.

“(2) Any bill providing for or dealing with pari-mutuel betting shall be treated as a general bill.”

Which was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. B. 321

The Senate proceeded to further consideration of the Bill, S. B. 321, as amended. The question was on the amendment No. 5 offered by Senator Bailey.

RESOLUTION

Senators Mitchem, Little, Dial, Covington, Aldridge, and Denton offered the following Senate Resolution, to-wit:

S. R. 131. COMMENDING MRS. ROSEMARY ELEBASH FOR OUTSTANDING SERVICE TO THE SENATE.

Which was adopted.

MOTIONS IN WRITING

Senator Teague offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 154, on page 17 of the Fourteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 154, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Mitchem offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 343, on page 52 of the Fourteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 343, referred to the Standing Committee on Rules for placement on the Consent Calendar.

FURTHER CONSIDERATION OF S. B. 321

The Senate proceeded to further consideration of the Bill, S. B. 321, as amended. The question was on the amendment No. 5 offered by Senator Bailey.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bill delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 54.

Delivered to the Governor, March 29, 1984, at 1:55 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 7:05 P.M., on motion of Senator Foshee, pending further consideration of the Bill, S. B. 321, the Senate adjourned until Tuesday, April 3, 1984, at 9:30 A.M.

FIFTEENTH LEGISLATIVE DAY**TUESDAY, APRIL 3, 1984**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by Dr. Mack Finney, Minister, Lester Memorial United Methodist Church, Oneonta, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Trey Coley, Houston Hills Jr. High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Cooley	Figures	Mitchem
Amari	Corbett	Foshee	Parsons
Bailey	Covington	Goodwin	Pearson
Barron	deGraffenried	Hand	Sanders
Bedford	Denton	Hilliard	Smith (B)
Bedsole	Dial	Holmes	Smith (J)
Bennett	Dixon	Langford	Strong
Bishop	Drinkard	Little	Teague
Cabaniss	Ellis	Menton	

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JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fourteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Fourteenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senator Aldridge for today.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Goodwin:

S. 513. To make a supplemental appropriation to the National Conference of State Legislatures for membership dues.

Committee on Finance and Taxation.

By Senator Teague:

S. 514. To amend Section 16-3-9, Code of Alabama, 1975, which provides for a specific expense allowance for each member of the State Board of Education.

Committee on Governmental Affairs.

By Senator Teague:

S. 515. To provide that the department of economic and community affairs shall be the administrative state agency for contracts for sales of certain state property heretofore administered by the finance department; to provide for orderly transfer of certain properties and funds from the finance department to the department of economic and community affairs; to authorize the department of economic and community affairs to prescribe procedures, rules, and regulations for the administration of such contracts; to provide for collection of certain administrative fees associated with such contracts; to provide that said department shall be designated as the state agency for distribution of federally donated surplus property; to prescribe penalties for violations of this act; to provide for certain personnel for the department of economic and community affairs, and to specifically repeal Article 5, Chapter 16, Title 41, of the Code of Alabama 1975.

Committee on Governmental Affairs.

By Senator deGraffenried:

S. 516. To amend Sections 15-12-20, 15-12-21, 15-12-22 and 15-12-24 of the Code of Alabama 1975, relating to defense of indigents, so as to provide further for representation of indigents; and to provide further for the compensation of counsel and reimbursement for expenses incurred; to authorize the state comptroller to withdraw certain amounts from the fair trial tax fund to cover the expenses of administering indigent defense; and to amend Section 12-19-252 of the Code of Alabama 1975, so as to further provide for annual appropriations from the fair trial tax fund to pay the withdrawals of the state comptroller.

Committee on Judiciary.

By Senator Bailey (With Notice and Proof):

S. 517. Relating to Houston County; providing for a certain additional monthly expense allowance for the county coroner which shall terminate on December 31, 1986; providing for a certain monthly salary for such coroner to be effective on January 1, 1987 with such salary to be in lieu of all salaries and expense allowances heretofore provided by law for such coroner; authorizing the county commission to pay any operating expenses for such

coroner's office; authorizing said coroner to appoint a deputy coroner to serve in his absence and specifically repealing certain conflicting laws.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 517, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Figures (With Notice and Proof):

S. 518. Relating to the City of Mobile; amending Section 22 of Act No. 243, H. 278, 1964 First Special Session (Acts 1964, p. 326), relating to the pension and relief system for police and fire department members, so as to allow any member of the system to withdraw from participation at any time.

Committee on Local Legislation No. 3.

I hereby certify that the notice and proof is attached to the Bill, S. B. 518, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Corbett:

S. 519. To amend Section 36-27-21.3, Code of Alabama 1975, which provides for and regulates a cost-of-living increase to persons retired under the teachers' retirement system and the employees' retirement system of Alabama, so as to provide further for the cost-of-living addition to the benefits received by persons whose retirement under the employees' retirement system is based on 51% or more service as an employee participating under Section 36-27-6, Code of Alabama 1975.

Committee on Finance and Taxation.

By Senator Covington:

S. 520. Relating to the abandonment of the commission form of government by Class 7 municipalities; providing for the call of a referendum on the adoption of a mayor-council form of government with five (5) single-member districts; providing for the establishment of boundaries of districts, salaries of the mayor and council, and the call of the election of mayor and council; providing for the term of office of the initial mayor and council; providing the election laws to be applied; providing for reapportionment of council districts; providing for the preservation of other officers, their powers, duties, rights, privileges, and emoluments, for the preservation and transfer of all property owned by the municipality, all contracts in force, all legal proceedings, and pension funds; providing for the continuation of all subordinate agencies of the municipality and all ordinances; providing for an effective date of this act, the repeal of all conflicting laws, and the severability of the provisions of this act.

Committee on Governmental Affairs.

By Senators deGraffenried, Mitchem, Parsons, Cooley, Aldridge, Bishop,

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Dial, Menton, Amari, Drinkard, Teague, Bennett, Strong, Dixon, Goodwin, and Bailey:

S. 521. To provide for a supplemental appropriation from the Special Educational Trust Fund to the University of Alabama Computer Center.

Committee on Finance and Taxation.

By Senator Bedsole:

S. 522. To establish the Alabama Advisory Council on Children and Youth; to prescribe the purpose, authority, powers, and duties of such Council; to place certain duties relative to identifying, promoting, and assisting in securing services in behalf of children and youth; to provide an information clearinghouse relating to children and youth; to serve as coordinating agency among those agencies dealing with children and youth; and to provide for an appropriation for said Council.

Committee on Student and Youth Activities.

By Senator Barron (With Notice and Proof):

S. 523. To amend Sections 2, 4, 5, 6, and 7 of Act 79-825, S. 640, 1979 Regular Session (Acts 1979, p. 1557) relating to the Jackson County Department of Public Works and to the county engineer so as to provide for the authority of the department and the selection, requirements, functions, powers, privileges, and termination of the county engineer.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 523, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

COMMUNICATION FROM THE SUPREME COURT

**THE STATE OF ALABAMA,
JUDICIAL DEPARTMENT
THE SUPREME COURT OF ALABAMA
OCTOBER TERM, 1983-84**

Members of the Senate
State Capitol
Montgomery, Alabama

Dear Senators:

We have received Senate Resolution 105, which requests an advisory opinion on several questions relating to Act No. 81-889, the Budget Isolation Amendment. The Secretary of State, Don Siegelman, has also filed with this Court a copy of a "Petition for Writ of Mandamus, Prohibition, and for Declaratory and Other Relief," which has been recently filed and now pending in the Circuit Court of Montgomery County.

After a careful review of the questions posed in the request for an advisory opinion and the matters currently being litigated in the Montgomery Circuit Court, we are compelled to respectfully decline your request for an advisory opinion.

The advisory opinion request contains the following questions:

"(1) Pursuant to the facts stated . . . concerning the return of said Act

No. 81-889 to the Legislature, was any further official action on the part of the Legislature prior to returning said Act to the Secretary of State on April 26, 1982 necessary to ensure that said Act No. 81-889 remained a viable proposed Constitutional Amendment?

“(2) Was said Act No. 81-889 properly placed on the March 13, 1984 election ballot in view of HJR 16, Act No. 84-48, 1984 Regular Session, which directs that Act No. 81-889 be kept in the Secretary of State's office?

“(3) Does House Bill 159, Act No. 84-53 of the 1984 Regular Session effectively repeal said Act No. 81-889 of the First Special Session of 1981?

“(4) Are the Governor's responsibilities of giving notice of a proposed constitutional amendment and the proclamation of the results of an election held thereon as provided in Amendment 24 of the State Constitution absolutely essential for the ratification of a proposed constitutional amendment?

“(5) Did the advertising ordered by the then Governor Fob James pursuant to his proclamation of September 7, 1982, substantially satisfy the notice requirements for proposed constitutional amendments pursuant to Amendment 24 of the state constitution?

“(6) Can the various media coverage of the amendment proposed by said Act No. 81-889 combined with the substantial number of voters who voted thereon at the March 13, 1984, election be construed to have given constructive notice of the election, and thereby substantially satisfy the notice requirements of Amendment 24 of the state constitution?

“(7) Was the amendment proposed by Act No. 81-889, S. 32 of the First Special Session 1981, ratified at the March 13, 1984 election?

“(8) If Act No. 81-889 was ratified at the March 13, 1984 election, does the amendment apply to the conduct of business in the 1983 Regular Session and the current 1984 Regular Session, or both?

“(9) If the amendment does apply to the 1983 Regular Session and the current 1984 Regular Session, were the bills which were enacted in the 1983 Regular Session and those bills which were passed by the Legislature and delivered to the Governor prior to March 13, 1984 validly enacted?

“(10) Have the pending House and Senate bills which have received a third reading in the house of origin been legally transmitted to the respective other house?

“(11) If the pending House and Senate bills have not been legally transmitted, can the Legislature pass a joint resolution with retroactive application transmitting those bills from one house to the other?

“(12) If the Legislature can pass a joint retroactive resolution to transmit the pending bills from one house to the other, would such a joint resolution have to pass the Legislature by a majority vote of a quorum present, by a 3/5 vote of a quorum present, or by a 3/5 vote of all elected members?

“(13) Did the Governor of the State of Alabama have authority to instruct the Probate Judges of the various counties of Alabama not to count and report the votes which were cast by the people of Alabama on March 13, 1984, on the Constitutional Amendment?”

These questions can be grouped into two broad categories. Questions one through seven and question thirteen deal with the validity of the proposed amendment, that is, whether it was properly on the ballot, was approved by a vote of the people, and is now valid and binding. The remaining

questions, eight through twelve, deal with the effect the Budget Isolation Amendment, if found to be valid and binding, would have on the conduct of business by the Legislature.

The relief requested in the petition filed in circuit court is as follows:

1. That defendant probate judges be required to promptly certify the votes with respect to the proposed amendment.
2. That defendants Wallace and Graddick be required to certify the statewide vote totals and perform all other constitutional and statutory responsibilities with regard to said election.
3. That defendant Wallis and those acting in concert with him be enjoined from further interfering with the election process.
4. To declare that if the proposed amendment was approved by a vote of the people, it is valid and binding in all respects.
5. If the court finds that the proposed amendment was not properly advertised by defendant Wallace and the proposed amendment is not valid and binding, then that the court set a new election date and order that the proposed amendment be advertised in accordance with law.

The issues in the proceedings in circuit court can also be categorized as dealing with the validity of the proposed amendment, that is, whether it was properly on the ballot, whether it was approved by the people, whether the votes should be certified, and whether the proposed amendment is now valid and binding. On March 26, 1984, the Honorable William R. Gordon issued a writ of mandamus ordering the defendant probate judges to certify, in compliance with Code 1975, § 17-17-2, the election results of all votes cast in the March 13, 1984, election on the proposed amendment, so that the trial court could proceed with the orderly resolution of the remaining issues. Judge Gordon refused to issue a writ of mandamus to compel defendants Wallace and Graddick to certify the statewide results of the election, because plaintiffs had not shown that they would refuse to do so. Judge Gordon refused to enjoin defendant Wallis from further interference in the election certification process. Resolution of the remaining issues was postponed until the election results were certified and the parties submitted additional briefs on the remaining issues.

Whenever the questions posed in a request for an advisory opinion have been the subject of pending litigation, we have declined to issue an advisory opinion. Opinion of the Justices, No. 298, 431 So. 2d 496 (Ala. 1982); Opinion of the Justices, No. 289, 410 So. 2d 388 (Ala. 1982). This policy of allowing the questions to be answered in the adversarial proceeding stems from the preference for using a process that allows all interested parties to have their day in court and an attempt to avoid prejudicing the rights of the litigants in the pending civil action. Opinion of the Justices, No. 298, 431 So. 2d 496 (Ala. 1982). Therefore, we decline to answer questions one through seven and question thirteen, because they are the subject of pending litigation.

We observe that the circuit court has acted expeditiously with respect to holding an early hearing and has already issued a writ of mandamus. Governor Wallace, through his attorney, has requested that Judge Gordon decide the remaining issues on the basis of the evidence and exhibits received at the prior hearing, if the parties feel no additional evidence is necessary, and the briefs, which are to be filed with the court by March 30,

1984. We are confident that the circuit court will give this important case the priority it deserves.

Without the resolution of the question of whether the proposed amendment is now valid and binding, questions eight through twelve, dealing with the effect of the proposed amendment on the conduct of business by the Legislature, are hypothetical. In order to answer those questions, we would have to assume that the proposed amendment is valid and binding. Opinions on hypothetical questions are not authorized by Code 1975, § 12-2-10. Opinion of the Justices, No. 273, 396 So. 2d 46 (Ala. 1981). Therefore, we must also decline to answer questions eight through twelve.

In conclusion, we respectfully decline to issue an advisory opinion as to questions one through seven and question thirteen, in view of the pending litigation, and we decline to issue an advisory opinion on questions eight through twelve because, without the resolution of the threshold question of the validity of the proposed amendments, they are merely hypothetical.

Respectfully yours,

C. C. Torbert, Jr.,
Chief Justice.

Hugh Maddox,
James H. Faulkner,
Richard L. Jones,
Reneau P. Almon,
Janie L. Shores,
Eric Embry,
Sam A. Beatty,
Oscar W. Adams, Jr.,
Associate Justices.

OPINION RENDERED

The foregoing Communication from the Supreme Court of Alabama was read and ordered spread upon the Journal.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 120. To authorize and make provision for the incorporation of railroad authorities as public corporations for the purpose of acquiring, constructing, equipping, improving, maintaining, developing and operating railroads, railroad properties and facilities, and other buildings and facilities, terminal and yard facilities, shop and repair facilities, real and personal property used or useful in rail transportation services, including both freight and passenger railroad service, and including the leasing or letting such buildings, structures or facilities; to provide that in order for any such Authority to be organized, application must be made to the governing body of one or more counties, cities or towns in Alabama in which there are located certain railroad properties that the operator thereof has notified the Interstate Commerce Commission of an intention to abandon, and permission for organization of such Authority must be obtained from each such governing body to which application is made; to provide for the selection of the directors and officers of each such Authority; to specify the powers of each such

Authority; to endow each such Authority with eminent domain powers, subject to certain limitations; to exempt each such Authority from laws and regulations relating to the advertising and award by the State and its departments and by local governmental authorities of construction or purchase contracts and from all Alabama Public Service Commission regulation other than rate regulation; to provide that any county, city, town or other political subdivision, public corporation, agency or instrumentality of this State within this State may aid and cooperate with any such Authority in the planning, undertaking, acquisition, construction and operation of railroads, and railroad properties and facilities, and may lend, give, donate, sell, convey or transfer to any such Authority money, property or any right capable of transfer; to provide that no action or suit shall be brought or maintained against the manager or any director of the Authority for or on account of the negligence of the Authority or director or of its or his agents, servants or employees; to authorize the issuance by each such Authority of revenue bonds payable solely out of the revenues of the Authority issuing such bonds; to specify provisions of such revenue bonds issued by any such Authority and to provide that such revenue bonds shall be deemed negotiable instruments; to provide that such revenue bonds issued by any such Authority may be secured by pledge of any of the revenues of the Authority issuing such bonds, whether the Authority's right to such revenues then exists or may thereafter come into existence and by mortgage on any property of any such Authority whether then in existence or thereafter acquired; to provide that such pledge may be provided for in an indenture between the Authority issuing such bonds and a trustee or by resolution providing for the issuance of the bonds; to provide that such pledges shall be valid and binding when made and effective against third parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county in which the principal office of the Authority is located and in any other county in which there is located any property of the Authority, the revenues from which are so pledged; to provide that any such Authority may include in any indenture or resolution authorizing the issuance of such bonds provisions customarily contained in instruments securing evidence of indebtedness; to provide that bonds issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the State or of any county, city or town within the State; to specify the uses to which the proceeds of revenue bonds issued by any such Authority may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds issued by any such Authority and the income therefrom and the income of any such Authority; to exempt all property of any such Authority from all taxation, subject to certain limitations insofar as exemption from state property taxation is concerned; to authorize the investment of any idle funds of any county, city or town within the State in bonds issued by any such Authority; to provide that bonds issued by any such Authority shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the publication of notice of the adoption of any resolution authorizing the issuance of bonds by any Authority and specifying the time after such publication within which actions and defenses may be asserted respecting such bonds, pledge and indenture and the proceedings authorizing the same; and to provide for the dissolution of any such Authority and the disposition of its property.

CHARLES BISHOP,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

RESOLUTIONS

Senators Dixon, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Little, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong, and Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 132. MOURNING THE DEATH OF FORMER STATE SENATOR JUNIUS J. (JUNIE) PIERCE OF MONTGOMERY, ALABAMA.

WHEREAS, the Alabama Legislature grievously records the death of Mr. Junius Julius Pierce of Montgomery, Alabama, on February 2, 1984, at the age of 78 years; and

WHEREAS, a native and lifelong resident of Montgomery, Mr. Pierce was a prominent real estate and insurance executive of that city; he was a graduate of Sidney Lanier High School and attended Auburn University, Emory University and the University of Alabama; and

WHEREAS, in addition to his successful business activity, Mr. Pierce also was involved in numerous civic and community affairs, including the Montgomery Lions Club and Trinity Presbyterian Church, among others, which substantially benefitted from his continuing support; and

WHEREAS, he served as vice chairman of the Montgomery Parks and Recreation Board for some seven years and, in 1958, committed himself to further public service through election to the Alabama House of Representatives; following two full terms in that office, Mr. Pierce was elected to the Alabama Senate, to serve two additional terms, and a total of sixteen years in the Legislature; and

WHEREAS, Junie Pierce was indeed a distinguished Alabamian who stood tall among men; he was an honorable and compassionate individual, totally selfless in word, thought and deed, and his presence among us is sorely missed; now therefore;

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply bereaved in the death of our good friend and former colleague, Mr. Junius J. (Junie) Pierce of Montgomery, Alabama, and extend our very deepest sympathy to his family, whose sorrow also is ours.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for Mr. Pierce's family: his wife, Mrs. Hazel Pierce; his daughter, Ann Pierce O'Neal; his son, Junie Pierce, III; and his sister, Mrs. Kate Pierce Cook.

On motion of Senator Dixon, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Dixon then offered the following Senate Joint Resolution, to-wit:

S. J. R. 133. CREATING THE CONTRACT REVIEW PERMANENT LEGISLATIVE OVERSIGHT COMMITTEE.

WHEREAS, It has come to the attention of the Alabama Legislature that public officials, both elected and appointed, have the legal authority to encumber the funds of the State of Alabama through the execution of legal and binding contracts; and

WHEREAS, That authority has resulted in an encumbrance of \$29,811,481.00, exclusive of property rental leases, contract employees and special assistant attorney's general, for the 1983-84 fiscal year; and

WHEREAS, It is the stated intent and desire of the Alabama Legislature to assure the Alabama taxpayer that it is our recognized responsibility to do so our utmost to assure the citizens of this state that the tax dollars they give to fund the services the State provides are spent in the most effective manner; Now Therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Contract Review Permanent Legislative Oversight Committee. Said Committee shall be composed of the Chairman of the Senate Finance and Taxation Committee and the Chairman of the House Ways and Means Committee, and three additional members of the Senate to be appointed by the President of the Senate and three additional members of the House, to be appointed by the Speaker of the House.

BE IT FURTHER RESOLVED, That each member of the Committee shall be entitled to regular legislative compensation, per diem and travel expenses for each day he or she attends a meeting of the Committee, which shall be paid out of the funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the Committee's chairman, provided, however, that members shall not receive additional compensation or per diem when the Legislature is in session. Clerical help shall be furnished by the Secretary of the Senate and the Clerk of the House. The Committee shall have the responsibility of reviewing and recommending for or against each contract for personal services to be paid out of appropriated funds, federal or state, on a state warrant issued as recompense for those services. The Committee shall have the power to issue subpoenas for any witnesses and to require the production of any documents or contracts it feels it needs to examine in the conduct of its duties.

The Committee shall organize itself at the first meeting and elect from among its membership a Chairman and a Vice-Chairman.

BE IT FURTHER RESOLVED, That in no event shall the expenses of the Committee exceed more than \$10,000.00 annually in carrying out its responsibility.

Which was read and referred to the Standing Committee on Rules.

Senators Smith (J), Barron, Cooley, and Smith (B) offered the following Senate Resolution, to-wit:

S. R. 134. COMMENDING AND CONGRATULATING THE UNIVERSITY OF ALABAMA - HUNTSVILLE HOCKEY TEAM, U.S. HOCKEY CLUB NATIONAL CHAMPIONS.

Which was adopted.

Senator Smith (J) then offered the following Senate Resolution, to-wit:

S. R. 135. COMMENDING MR. PETER P. BARBER OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Which was adopted.

MOTION IN WRITING

Senator Dixon offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 49, on page 10 of the Fifteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 49, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Campbell:

H. 234. To amend Section 40-9-24, Code of Alabama 1975, so as to make said section consistent with the adoption of an amendment to Article XI, Section 214 of the Constitution of Alabama of 1901, proposed by House Bill 233 introduced at the 1984 regular session of the Legislature of Alabama; and to provide an effective date for the Act.

Also:

By Rep. Campbell:

H. 220. This bill amends Section 40-18-31, Code of Alabama 1975 by raising the tax rate from 5% to 6% on the taxable income of corporations.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 234. To the Committee on Constitutional Revision.

H. B. 220. To the Committee on Finance and Taxation.

UNFINISHED BUSINESS

BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 321. To establish service territories for electric suppliers within the State; to provide the means of eliminating or reducing the potential for duplication of electric distribution facilities used for furnishing retail electric service; to mandate and implement the determination of which electric supplier shall furnish retail electric service to electric customers within various areas of the State including areas within present and future corporate limits

of municipalities; to provide that the primary electric supplier within each municipality in the State shall have the right, at its option, to purchase all distribution facilities of any secondary electric supplier used to supply retail electric service within the existing municipal limits and have the right to serve all premises within the existing municipal limits, subject to certain conditions; to define the right and obligation of municipalities and municipally-owned electric suppliers to provide electric service in areas outside the existing municipal limits; to provide for resolution of disputes between electric suppliers regarding sale or purchase of electric facilities; to provide for the applicability of certain provisions of Title 37, Code of Alabama (1975); to provide exemptions from the provisions of this Act for certain agreements between electric suppliers; to prohibit the providing of electric service in violation of this Act; to provide for judicial review and validation of the provisions of this Act by the courts and sets out procedures governing such proceedings and appeals therefrom; provides that the provisions of the Act are not severable and that if any provision is declared invalid under state law, the remaining provisions also shall be invalid, and further provides that if the Act is declared invalid, any actions taken by any party in conformity with the provisions of the Act shall be lawful but that any electric service rendered pursuant to the provisions of the Act shall be terminated; and to repeal all laws or parts of laws in conflict herewith.

as amended, and pending Bailey amendment No. 5, which said amendment is set out in the Journal of the Senate for the Fourteenth Legislative Day.

Senator Bailey then offered the following amendment to the Bailey amendment No. 5, to the Bill, S. B. 321, as amended, to-wit:

**AMENDMENT TO BAILEY AMENDMENT NO. 5 TO S. B. 321,
AS AMENDED**

I move to amend Senate Bill number 321, as amended, page 1, line 19, by adding after the word "limits" the following:

"of electric municipalities and"

and further at page 1, line 20 by adding before the word "municipalities" the following:

"other"

and further at page 1, line 24 by adding after the word "limits" the following:

"of each electric municipality plus an area 25% greater than the area contained within the existing municipal limits of the electric municipality and within the existing municipal limits of each other municipality"

and further at page 1, line 26 by adding after the word "limits" the following:

"of each electric municipality plus and area 25% greater than the area contained within the existing municipal limits of the electric municipality and within the existing municipal limits of each other municipality, respectively"

and further at page 2, line 26, by adding after the word "future" the following:

"corporate limits of electric municipalities and"

and further at page 2, line 26, by adding after the word "of" the following:
"other"

and further at page 2, line 30 by adding after the word "limits" the following:

"of each electric municipality plus an area 25% greater than the area contained within the existing municipal limits of the electric municipality and within the existing municipal limits of each other municipality"

and further at page 2, line 32 by adding after the word "limits" the following:

"of each electric municipality plus an area 25% greater than the area contained within the existing municipal limits of the electric municipality and within the existing municipal limits of each other municipality"

and further at page 4, line 9 by adding after the word "of" the following:

"electric municipalities and corporate limits of other"

and further at page 6, line 18 by inserting prior to the beginning of section 3 of the bill, the following additional definitions:

"(k) 'Electric Municipality' means any incorporated city, town or other municipality in the state of Alabama which owns, maintains and operates, or causes to be owned, maintained and operated its own electric distribution system. If any city, town or other municipalities heretofore created and established, or hereafter creates and establishes, a public corporation pursuant to section 11-50-310 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, an improvement authority pursuant to section 39-7-1 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, a municipal electric utility board pursuant to section 11-50-490 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, or a municipal power district pursuant to section 37-5-1, et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, then the words 'Electric Municipality' shall refer to the public corporation, improvement authority, utility board or municipal power district, as the case may be, and not to the city, town or other municipality creating and establishing it, unless the context indicates otherwise, so that the public corporation, improvement authority, utility board or municipal power district shall exercise all powers granted by this act to, and undertake all obligations imposed by this act on, the city, town or other municipality creating and establishing it.

(l) 'Other Municipality' means any incorporated city, town or other municipality in the state of Alabama which does not own, maintain or operate its own electric distribution system or cause to be owned, maintained or operated its own electric distribution system, and has not heretofore created and established and does not hereafter create and establish, a public corporation pursuant to section 11-50-310 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, an improvement authority pursuant to section 39-7-1 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, a municipal electric utility board pursuant to section 11-50-490 et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import, or a municipal power district pursuant to section 37-5-1, et. seq., Code of Alabama 1975, as amended, or any subsequent statute of similar import

and further at page 6, line 19 by adding after the word "Limits" the following:

"of Electric Municipalities and Existing Municipal Limits of Other Municipalities"

and further at page 6, line 21 by adding after the word "limits" the following:

"of electric municipalities plus an area 25% greater than the area contained within the existing municipal limits of the electric municipality and outside existing municipal limits of other municipalities"

and further at page 6, line 32 by adding after the word "limits" the following:

"of electric municipalities and existing municipal limits of other municipalities"

and further at page 6, line 36 by adding after the word "outside" the following:

"an area 25% greater than the area contained within the"

and further at page 6, line 36 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 7, line 12 by adding after the word "outside" the following:

"an area 25% greater than the area contained within the"

and further at page 7, line 12 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 7, line 20 by adding after the word "limits" the following:

"of electric municipalities plus an area 25% greater than the area contained within the existing municipal limits of the electric municipality and within existing municipal limits of other municipalities"

and further at page 7, line 25 by adding after the word "outside" the following:

"an area 25% greater than the area contained within the"

and further at page 7, line 25 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 7, line 29 by adding after the word "outside" the following:

"an area 25% greater than the area contained within the"

and further at page 7, line 29 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 8, line 4 by adding after the word "outside" the following:

"an area 25% greater than the area contained within the"

and further at page 8, line 4 by adding after the word "limits" the following:

"of electric municipalities and outside existing municipal limits of other municipalities"

and further at page 8, line 22 by adding after the word "within" the following:

"an area 25% greater than the area contained within the"

and further at page 8, line 22 by adding after the word "limits" the following:

"of electric municipalities and within existing municipal limits of other municipalities"

and further at page 9, line 4 by adding after the word "Within" the following:

"and Beyond the Municipal Limits of Electric Municipalities and Within the Municipal Limits of Other"

and further at page 9, line 5 by adding after the word "Within" the following:

"and Beyond"

and further at page 9, line 6 by adding after the word "Limits" the following:

"of Electric Municipalities and Existing Municipal Limits of Other Municipalities"

and further at page 9, line 7 by adding after the word "municipality" the following:

", and, in the case of an electric municipality, within an area 25% greater than the area contained within its existing municipal limits,"

and further at page 9, line 10 by adding after the word "limits" the following:

"of each electric municipality plus an area 25% greater than the area contained within its existing municipal limits and within the existing municipal limits of each other municipality"

and further at page 9, line 12 by adding after the word "limits" the following:

"of each such electric municipality plus an area 25% greater than the area contained within its municipal limits and within the existing municipal limits"

and further at page 9, line 12 by adding after the word "such" the following:

"other"

and further at page 9, line 14 by adding after the word "option" the following:

"respecting the distribution facilities of secondary suppliers within the existing municipal limits of electric municipalities plus an area 25% greater than the area contained within those municipal limits and within the existing municipal limits of other municipalities"

and further at page 9, line 18 by adding after the word "Act" the following sentence:

"The primary electric supplier must announce its intention to exercise its option respecting the distribution facilities of secondary suppliers in areas annexed within an area 25% greater than the area contained within the existing municipal limits of electric municipalities to electric municipalities in writing by registered or certified mail to the affected secondary suppliers within the annexed area, addressed to the chief executive officer or manager of such secondary supplier, no later than nine (9) months after the effective date of the annexation of the affected area."

and further at page 11, line 10 by adding after the word "municipality" the following:

", and, as areas within an area 25% greater than the area contained within its existing municipal limits are annexed by the electric municipality, within those annexed areas"

and further at page 11, line 18 by adding after the word "limits" the following:

"of the electric municipality plus an area 25% greater than the area contained within its existing municipal limits or within the existing municipal limits"

and further at page 11, line 18 by adding after the word "the" and before the word "municipality" the following:

"other"

and further at page 11, line 19 by adding after the word "municipality" the following:

", as the case may be,"

and further at page 12, line 14 by adding before the word "municipal" the following:

"municipal limits of any electric municipality plus an area 25% greater than the area contained within its existing municipal limits and within the existing"

and further at page 12, line 14 by adding after the word "any" the following:

"other"

and further at page 14, line 4 by deleting the following:

"within the existing municipal limits"

and substituting therefor the following:

"being served by the distribution facilities subject to the purchase option"

and further at page 14, line 12 by adding after the word "limits" the following:

"of an electric municipality plus an area 25% greater than the area contained within its existing municipal limits and within the existing municipal limits of an other municipality"

and further at page 14, line 27 by adding after the word "limits" the following:

"of an electric municipality plus an area 25% greater than the area contained within its existing municipal limits and within the existing municipal limits of an other municipality"

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carter, Hall, and Sasser:

H. 290. To provide for commercial operation of billiard tables on the premises of businesses located in certain areas of the several counties of this state when such operation has been licensed by the judge of probate as provided in Article 2, Chapter 6, Title 34 of the Code of Alabama 1975.

Also:

By Rep. Grayson:

H. 122. To amend Section 16-35-1, Code of Alabama, 1975, so as to provide for the qualifications and number of the members of the State Courses of Study Committee.

Also:

By Rep. Britnell:

H. 346. To amend sections 22-50-1 thru 22-50-6, 22-50-8 thru 22-50-17, 22-50-19, 22-50-20 and 22-50-23 of the Code of Alabama 1975, relating to the department of mental health so as to redesignate the department of mental health as the department of mental health and mental retardation; to designate the method of appointing members of the mental health and mental retardation board and to provide that such board shall be advisory, to specifically repeal Section 22-50-7, and to establish the department as a state agency responsible to the governor of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 290. To the Committee on Consumer Affairs.

H. B. 122. To the Committee on Education.

H. B. 346. To the Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Starr, Davis, Grouby, Rogers, Spratt, Pratt, Escott, Bugg, Perdue, Melton, McDowell, Burke, Boles, Trammell, Horn, Albright, Butler, Grayson, Faulk, Blakeney, Mikell, Warren, Flowers, Buskey (John), Carothers, Mathis, Preuitt, Grimsley, Turnham, Sasser, Smith, Cosby, Onderdonk, Brooks, Bowling, Hooper, Johnson (RG), Mitchell, Turner, Biddle, Poole, Gaston, Coleman, Marietta, Hettinger, Lindsey, Johnson (Roy), Zoghby, Holley, Harper, Coburn, Seibels, Payne, Browder, Parker, Holmes, Box, Gray, Hall, White (F), Venable, and White (G):

H. 337. To provide for a state income tax refund check-off designation for the support of programs for the aging in Alabama.

Also:

By Reps. Mathis, Carothers, Grimsley, and Rains:

H. 50. To amend Section 26-10-5, Code of Alabama 1975, relating to adoption procedures and rights of natural and adopting parents, so as to provide further for certain rights of natural grandparents of the minor child.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 337. To the Committee on Aging.

H. B. 50. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Warren, Grouby, White (F), Blake, and Johnson (Roy):

H. 571. Relating to the practice and occupations of plumbing and gas fitting work; to provide for the optional certification of such practices at a state level; to define legislative intent and definitions; to create the Alabama Board of Plumbing and Gas Certification; to provide for the composition, meetings, business, powers and responsibilities of the board; to provide for local programs of certifying plumbers and gas fitters; to administer examinations, fees, and performance bonds of applicants who seek board certification; to provide for the deposit and use of fees; to make an appropriation from the state general fund to initiate the state program; to provide exceptions to this act; to preserve local programs operating pursuant to Act No. 529, H. 977, 1949 Regular Session; to expressly authorize future local laws for local certification programs; to authorize the publishing and distribution of a list of the board's certificates; to provide for a grievance procedure for actions of the board; to provide for enforcement of the provisions of this

act; to authorize reciprocal agreements with other states; and to prescribe penalties for violations of this act.

Also:

By Rep. Dutton:

H. 197. To require the Alabama Department of Conservation and Natural Resources to enter into an agreement with the U.S. Forest Service to expand the boundaries of the existing Black Warrior Wildlife Management Area; and to provide further for the marking of, management of, and hunting on the expanded area.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 571. To the Committee on Small Business.

H. B. 197. To the Committee on Agriculture, Conservation, and Forestry.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Harper, Gaston, Kvalheim, Marietta, Box, Zoghby, Clark (W), Turner, and Kennedy:

H. J. R. 183. RECOGNIZING THE ALABAMA DEEP SEA FISHING RODEO AS A SPORTS EVENT OF NATIONAL PROMINENCE.

WHEREAS, the Alabama Deep Sea Fishing Rodeo is the official Deep Sea Fishing Rodeo in and for the State of Alabama, by Gubernatorial proclamation and by designation of the Alabama Legislature; and

WHEREAS, in July 1984, the 52nd Alabama Deep Sea Fishing Rodeo will take place at Dauphin Island, Alabama, once again attracting a host of out-of-state participants as well as our own Alabama anglers; and

WHEREAS, since 1929 and the Rodeo's inception, this event has served both to stimulate the local economy and to focus our nation's spotlight on the State of Alabama; and

WHEREAS, the Alabama Legislature, as well as Alabamians statewide, take great pride in this outstanding attraction which was the first competitive fishing event in America ever to be dubbed a rodeo, and one which has grown from its first 260 participating sports fishermen to a total now numbering in the thousands; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in utmost personal pride, we hereby recognize the Alabama Deep Sea Fishing Rodeo as a sports event of national prominence; we further most cordially welcome the 1984 participants to Alabama and to our beautiful Gulf Coast area.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the Executive Committee and Board of Directors of the Alabama Deep Sea Fishing Rodeo and to the event's sponsor, the Mobile Jaycees.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 183, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Mitchell (With Notice & Proof):

H. B. 555. To provide for a special recording fee, in addition to all existing recording fees and charges for documents hereafter filed for record in Pickens County; and to prescribe the use thereof.

I hereby certify that this Notice & Proof is attached to the Bill, H. B. 555, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 555. To the Committee on Local Legislation No. 1.

MOTIONS IN WRITING

Senator deGraffenried offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 115, on page 18 of the Fifteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 115, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator deGraffenried then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 334, on page 55 of the Fifteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 334, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator deGraffenried then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 60, on page 79 of the Fifteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 60, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. McKee:

H. J. R. 184. CONGRATULATING THE HUMANA HOSPITAL EAST MONTGOMERY ON BECOMING ACCREDITED IN 1983 BY THE JOINT COMMISSION ON ACCREDITATION OF HOSPITALS AND PROVIDING THE OPTIMAL STANDARD OF CARE FOR THE CITIZENS OF ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 184, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Holmes, Cosby, and McKee:

H. J. R. 186. CALLING FOR THIS LEGISLATURE TO OFFICIALLY TAKE A POSITION WITH REGARD TO VOLUNTARY PRAYER IN PUBLIC SCHOOLS.

WHEREAS, though recently rejected by the United States Senate, the issue of allowing prayer in our schools remains in public dispute, nationwide, and is paramount among concerns of the vast majority of the citizens of Alabama who apparently are in favor of voluntary prayer; and

WHEREAS, to permit voluntary school prayer, through legislation, also is a matter of decision that evokes an emotional response by both proponents and opponents alike, and has therefore become special and unique in public importance; and

WHEREAS, in view of such heated debate and in light of the magnitude of the school prayer question, it is incumbent upon this Legislature to officially take a position as to its support of voluntary prayer in the public school of America; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express this body's

support and favor of allowing voluntary and non-sectarian prayer in the public schools of America.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 186, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bills:

By Rep. Campbell:

H. 221. This bill amends Section 40-18-5, Code of Alabama 1975 by raising the tax rate of individuals from 5% to 6% on taxable income above \$8,000.00. This bill further amends Section 40-18-19, Code of Alabama, 1975, by exempting the first \$8,000.00 of certain retirement compensation received by Alabama residents.

Also:

By Rep. Zoghby:

H. 223. To amend Section 41-4-50 of the Code of Alabama 1975, relating to the division of control and accounts of the department of finance so as to authorize by approval of the payee any state warrant to be deposited in or electronically transferred to any financial institution with this capability.

Also:

By Rep. Campbell:

H. 235. To exempt from the special property tax levied in the amendment to Article XI, Section 214, Constitution of Alabama of 1901, proposed in House Bill No. 233 introduced at the 1984 Regular Session of the Legislature of Alabama agricultural and forest property, as defined in Section 40-8-1, Code of Alabama 1975, as amended, owned by natural persons or a family farm corporation, up to an amount not exceeding \$50,000 in assessed value; to provide a procedure for application for and the administration of said exemption; and to provide an effective date for the Act.

Also:

By Rep. Campbell:

H. 236. To amend Section 40-9-19, Code of Alabama 1975, as previously amended, so as to define the types of local school taxes subject to the homestead exemption; and to provide an effective date for the Act.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Mes-

sage from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 221, 235, and 236. To the Committee on Finance and Taxation.

H. B. 223. To the Committee on Consumer Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Campbell:

H. 427. To exempt from the special property tax levied in the amendment to Article XI, Section 214, Constitution of Alabama of 1901, proposed in House Bill No. 233 introduced at the 1984 Regular Session of the Legislature of Alabama, Class II real property, as defined in Section 40-8-1, Code of Alabama 1975, as amended, owned by natural persons, up to an amount not exceeding \$40,000 in assessed value; to provide a procedure for application for and the administration of said exemption; and to provide an effective date for the Act.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 427. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Holley:

H. 316. To establish the Alabama Racing Commission for the regulation and supervision of dog and horse racing and pari-mutuel wagering thereon; to provide for the composition, powers and duties of the Alabama Racing Commission; to impose a privilege tax and to provide for the collection of the same under the provisions of this act; to provide a five-year exemption from the provisions of this act for existing racing facilities and for racing facilities hereafter established; to repeal other laws; to impose the state sales and use tax at all racing facilities in Alabama.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message

from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 316. To the Committee on Consumer Affairs.

MOTIONS IN WRITING

Senator Smith (J) offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 272, on page 34 of the Fifteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 272, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Smith (J) then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 276, on page 54 of the Fifteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 276, referred to the Standing Committee on Rules for placement on the Consent Calendar.

FURTHER CONSIDERATION OF S. B. 321

The Senate proceeded to further consideration of the Bill, S. B. 321, as amended. The question was on the Bailey amendment to the Bailey amendment No. 5.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 3. CREATING A JOINT LEGISLATIVE INTERIM COMMITTEE TO STUDY THE STEEL INDUSTRY.

Also:

H. J. R. 159. HONORING MELVIN ROBERTS ON HIS RETIREMENT FOLLOWING 31 YEARS OF SERVICE TO THE CITY OF FOLEY, ALABAMA.

Also:

H. J. R. 160. COMMENDING THE STUDENT GOVERNMENT ASSOCIATION OF SOUTHERN UNION STATE JUNIOR COLLEGE, WADLEY.

Also:

H. J. R. 162. MOURNING THE DEATH OF MRS. PEARL WILLIAMS BOADLEY OF MOBILE, ALABAMA.

Also:

H. J. R. 163. COMMENDING MR. WAYNE WASHAM, DIRECTOR OF THE ARAB HIGH SCHOOL BAND.

Also:

H. J. R. 167. MOURNING THE DEATH OF JUDGE WILEY HICKMAN OF GADSDEN, ALABAMA.

Also:

H. J. R. 168. COMMENDING MR. LOWELL GALLOWAY, PROMINENT ALBERTVILLE, ALABAMA, BANKER.

Also:

H. J. R. 169. COMMENDING FORMER REPRESENTATIVE PHIL KELLEY FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

Also:

H. J. R. 173. MOURNING THE DEATH OF MRS. FRANCES ELIZABETH LITTLE OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 174. COMMENDING JEMISON HIGH SCHOOL'S GIRLS BASKETBALL TEAM, RUNNER-UP FOR THE STATE 2-A CHAMPIONSHIP.

Also:

H. J. R. 175. COMMENDING MR. JOHN STOWERS, JUNIOR, OF MONTGOMERY, ALABAMA.

Also:

H. J. R. 176. CONGRATULATING MR. AND MRS. ORVILLE W. TANNER OF HARTSELLE, ALABAMA, ON THEIR FORTHCOMING 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 177. COMMENDING THE UNIVERSITY OF ALABAMA-HUNTSVILLE CHARGERS' ICE HOCKEY ACCOMPLISHMENTS.

Also:

H. J. R. 179. COMMENDING MISS PAULETTE LOUISE MCKELLAR OF MOBILE, ALABAMA, 1983 ALL-AMERICAN CHEERLEADER.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 117. COMMENDING MR. W. O. LANCE OF LANETT, PROMINENT ALABAMA EDUCATOR.

Also:

H. J. R. 118. COMMENDING MR. JERRY BELK OF TUSCALOOSA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 119. COMMENDING MRS. ALFRED F. DELCHAMPS, JUNIOR, MOBILE'S FIRST LADY FOR 1983.

Also:

H. J. R. 120. COMMENDING ALABAMA NATIONAL GUARD OFFICERS TERRY AND MARY CARTER.

Also:

H. J. R. 121. COMMENDING MR. ALBERT M. PHILIPS OF SILVERHILL, ALABAMA.

Also:

H. J. R. 129. COMMENDING WALKER REBELS.

Also:

H. J. R. 130. MOURNING THE DEATH OF MR. FINIS EWING ST. JOHN, JUNIOR, OF CULLMAN, ALABAMA.

Also:

H. J. R. 138. COMMENDING MR. J. E. "NED" BEARDEN, PROMINENT SHELBY COUNTY DAIRYMAN AND CIVIC LEADER.

Also:

H. J. R. 140. COMMENDING MRS. LENA F. (LEE) CANNON FOR OUTSTANDING SERVICE WITH THE ALABAMA COOPERATIVE EXTENSION SERVICE AND ALABAMA PUBLIC TELEVISION.

Also:

H. J. R. 141. COMMENDING MR. THOMAS Z. ATKESON OF DECATUR, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 143. MOURNING THE DEATH OF MR. JAMES McCOY MAYS OF ATMORE, ALABAMA.

Also:

H. J. R. 144. HONORING THE CARVER HIGH SCHOOL WOLVERINES, STATE 4-A BASKETBALL CHAMPIONS.

Also:

H. J. R. 146. COMMENDING OMICRON LAMBDA CHAPTER OF ALPHA PHI ALPHA FRATERNITY.

Also:

H. J. R. 147. MOURNING THE DEATH OF STATE CONSERVATION OFFICER GRADY RUSSELL JACKSON.

Also:

H. J. R. 150. COMMENDING MR. AND MRS. LUTHER EDGAR BETHUNE ON THEIR 53RD WEDDING ANNIVERSARY.

Also:

H. J. R. 151. COMMENDING MR. NORMAN H. DAVIS FOR OUTSTANDING SERVICE AS DIRECTOR OF THE MOBILE COUNTY EMERGENCY MANAGEMENT AGENCY.

Also:

H. J. R. 152. COMMENDING DOTHAN HIGH SCHOOL BAND AND DIRECTORS, TONY AND RHONDA WHETSTONE.

Also:

H. J. R. 153. COMMENDING BUNNIE E. SUTTON, MOBILE, ALABAMA, FOR HER OUTSTANDING CIVIC AND CHARITABLE CONTRIBUTIONS.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF S. B. 321

The Senate proceeded to further consideration of the Bill, S. B. 321, as amended. The question was on the Bailey amendment to the Bailey amendment No. 5.

REPORTS OF COMMITTEES

Senator Smith (B), Chairperson of the Standing Committee on Industrial Expansion, Economic Growth, and Jobs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Teague:

S. 492. To amend section 11-54-99, Code of Alabama 1975, relating to industrial development boards, so as to allow the incorporation of more than one industrial development board within any municipality.

RESOLUTION

Senator Denton offered the following Senate Resolution, to-wit:

S. R. 136. PROCLAIMING "SAVE THE BUTTERFLY DAY".

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Starkey:

H. 181. To amend Section 8-17-87, Code of Alabama, 1975, to provide that the inspection fee on gasoline be increased to \$.02 per gallon and the inspection fee on diesel fuel be increased to \$.02 per gallon. To amend Section 8-17-91, Code of Alabama, 1975, as amended, to provide for distribution of permit fees, inspection fees, penalties; refund of overpayments and to provide for appropriation of funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 181. To the Committee on Finance and Taxation.

FURTHER CONSIDERATION OF S. B. 321

The Senate proceeded to further consideration of the Bill, S. B. 321, as amended. The question was on the Bailey amendment to the Bailey amendment No. 5.

RESOLUTIONS

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 137. COMMENDING DR. JAMES G. McMURRAY OF HUNTSVILLE, ALABAMA, PROMINENT AREA PHYSICIAN.

Also:

S. R. 138. COMMENDING DR. JOHN KENDALL BLACK, JUNIOR, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

S. R. 139. COMMENDING DR. JOHN L. McDANIEL OF DECATUR, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND COMMUNITY INVOLVEMENT.

Which were read and referred to the Standing Committee on Rules.

Senators Denton, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Little, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B),

Smith (J), Strong, and Teague offered the following Senate Resolution, to-wit:

S. R. 140. WISHING A HAPPY BIRTHDAY TO ONE OF OUR ELDER STATESMEN.

Which was adopted.

Senator Dixon offered the following Senate Resolution, to-wit:

S. R. 141. COMMENDING DR. KENNETH C. YOHN.

Which was adopted.

INTERIM COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 79-52, S. J. R. 19 of the First Extraordinary Session, 1979, the report of the Joint Prison Committee was read and ordered filed with the Secretary.

FURTHER CONSIDERATION OF S. B. 321

The Senate proceeded to further consideration of the Bill, S. B. 321, as amended. The question was on the Bailey amendment to the Bailey amendment No. 5.

RESOLUTIONS

Senator Sanders offered the following Senate Joint Resolution, to-wit:

S. J. R. 142. COMMEMORATING THE DEATH OF DR. MARTIN LUTHER KING, JR.

WHEREAS, April 4, 1984, marks the 16th anniversary of the death of Dr. Martin Luther King, Jr.; and

WHEREAS, despite the passage of time, Dr. King's dreams for equal opportunity and justice for all lives on in the hearts and minds of all Americans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we today commemorate the anniversary of the death of Dr. Martin Luther King, Jr., and would urge that April 4, 1984, be appropriately observed, throughout the State of Alabama, in memory of Dr. Martin Luther King, Jr.

Which was read and referred to the Standing Committee on Rules.

Senator Strong offered the following Senate Joint Resolution, to-wit:

S. J. R. 143. URGING GOVERNOR GEORGE C. WALLACE TO ENCOURAGE THE EMPLOYMENT OF ALABAMA CITIZENS BY CONTRACTORS FOR PUBLIC WORKS PROJECTS FOR THE STATE AS WELL AS FOR LOCAL GOVERNMENT ENTITIES.

WHEREAS, despite a downward trend in the unemployment rate, nationwide, the percentage of unemployed Alabamians continues totally unacceptable, ranging upward to some 16% in a number of Alabama counties; and

WHEREAS, marked by incongruity, however, is a situation existing in our state, whereby unemployed Alabamians are actively seeking employment while public works contractors are bringing in out-of-state manpower for construction projects in Alabama; and

WHEREAS, the Legislature finds it inconceivable that such unjust hiring policies and practices continue to exist while local and qualified manpower is so readily available and its utilization, morally obligatory in priority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge Governor George C. Wallace to both consistently and strongly encourage the employment of resident Alabamians when at all possible, by contractors engaged in public works projects for the State of Alabama and for all local governmental entities within the State.

BE IT FURTHER RESOLVED, That the Legislature would also anticipate the cooperation of appropriate public officials, at all levels of government, in advising contractors of the hiring practices expected upon the undertaking of contracts for public works and/or public building construction within the State of Alabama.

RESOLVED FURTHER, That a copy of this resolution be forwarded to the personal attention of Governor Wallace.

Which was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. B. 321

The Senate proceeded to further consideration of the Bill, S. B. 321, as amended. The question was on the Bailey amendment to the Bailey amendment No. 5.

On motion of Senator Bailey, his amendment to the Bailey amendment No. 5 was laid on the table.

The question recurred on the Bailey amendment No. 5.

On motion of Senator Bailey, his amendment No. 5 was then laid on the table.

Senator Bailey then offered the following amendment No. 6 to the Bill, S. B. 321, as amended, to-wit:

AMENDMENT NO. 6 TO S. B. 321, AS AMENDED

I move to amend Senate Bill 321, as amended, at page 8, line 27, by striking the word "Neither" and inserting therefor the following:

"Notwithstanding the above limitations stated in this Section 3 on construction of facilities to serve customers in areas outside existing municipal limits, a municipality or a municipally-owned utility which is the primary electric supplier within a municipality may, provided that it announces its intention to exercise its option to do so in writing by registered or certified mail to the affected secondary electric suppliers, addressed to the chief executive officer or manager of such secondary electric supplier, expand its assigned service area to include all the areas subsequently annexed by the municipality to the extent that the areas annexed are within an area defined by a line extending at all points a uniform distance (a) not less than $\frac{1}{4}$ mile; and (b) not more than the distance of a line defining an area equal to 25% of the area within the municipality's existing municipal limits; beyond the municipality's existing municipal limits; provided, however, that prior to the date of such annexation, the municipality or municipality-owned utility may not extend service to any premises located in an area more than 400 feet from its existing distribution lines and that secondary electric suppliers shall retain as part of their assigned service areas those areas in which they

had distribution lines existing and within 400 feet of said distribution lines existing on the date of such annexation. Notwithstanding the preceding sentence of this section 3(f), however, the option to purchase within existing municipal limits the distribution facilities of affected secondary suppliers, provided in Section 4 of this Act, shall also apply within areas added pursuant to the provisions of this Section 3(f) to a municipality's, or municipally-owned utilities's, assigned service area and must be exercised in the manner provided in Section 4 of this Act respecting the purchase of the distribution facilities of secondary electric suppliers within existing municipal limits, but within nine (9) months after the annexation of the affected area rather than within nine (9) months after the effective date of this Act. Except to the extent provided in the preceding sentence, neither"

Senator Bailey moved that further consideration of the Bill, S. B. 321, as amended, and pending amendment No. 6, be postponed until one hour after the Senate convenes on the Sixteenth Legislative Day.

On motion of Senator Foshee, the motion to postpone was laid on the table.

Yeas 23; Nays 5.

Yeas:

Senators:	Cooley	Drinkard	Menton	
Barron	Corbett	Ellis	Mitchem	
Bedford	Covington	Foshee	Parsons	
Bedsole	deGraffenried	Goodwin	Smith (J)	
Bishop	Dial	Hilliard	Strong	
Cabaniss	Dixon	Holmes	Teague	—23

Nays:

Senators:	Denton	Langford	Little	
Bailey	Hand			—5

The question recurred on the Bailey amendment No. 6 to the Bill, S. B. 321, as amended.

On motion of Senator Foshee, said amendment No. 6 was laid on the table.

Yeas 18; Nays 8.

Yeas:

Senators:	Cabaniss	Dial	Goodwin	
Barron	Cooley	Dixon	Parsons	
Bedford	Corbett	Drinkard	Smith (J)	
Bedsole	Covington	Ellis	Strong	
Bishop	deGraffenried	Foshee		—18

Nays:

Senators:	Hand	Langford	Mitchem	
Bailey	Holmes	Little	Teague	
Denton				—8

Senator Cooley offered the following amendment to the Bill, S. B. 321, as amended, to-wit:

AMENDMENT TO S. B. 321, AS AMENDED

On page 17, between lines 31 and 32 insert the following new paragraph:

12. Agreement between The Utilities Board Inc. of the City of Cullman and the Cullman Electric Cooperative dated November 5, 1954.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Foshee	Menton
Bailey	deGraffenried	Goodwin	Mitchem
Barron	Denton	Hand	Parsons
Bedford	Dial	Holmes	Smith (J)
Cabaniss	Dixon	Langford	Strong
Cooley	Drinkard	Little	Teague
Corbett	Ellis		

—25

Nays: —0

And said Bill, S. B. 321, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 26; Nays 6.

Yeas:

Senators:	Cooley	Ellis	Parsons
Amari	Corbett	Foshee	Pearson
Barron	Covington	Goodwin	Sanders
Bedford	deGraffenried	Holmes	Smith (B)
Bedsole	Dial	Langford	Smith (J)
Bishop	Dixon	Menton	Strong
Cabaniss	Drinkard	Mitchem	

—26

Nays:

Senators:	Denton	Hand	Teague
Bailey	Figures	Little	

—6

Senator Foshee moved that the Senate reconsider the vote by which the Bill, S. B. 321, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MOTIONS IN WRITING

Senator Parsons offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 444, on page 92 of the Fifteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 444, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Parsons then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 186, on page 29 of the Fifteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 186, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Parsons then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 105, on page 11 of the Fifteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 105, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MOTION TO ADJOURN LOST

At 4:55 P.M., Senator Teague moved that the Senate adjourn until Thursday, April 5, 1984, at 10 o'clock A.M., which motion lost.

Yeas 11; Nays 12.

Yeas:

Senators:	Ellis	Langford	Sanders	
Cabaniss	Figures	Little	Strong	
Dial	Goodwin	Parsons	Teague	—11

Nays:

Senators:	Bishop	deGraffenried	Hand	
Barron	Cooley	Denton	Holmes	
Bedford	Corbett	Drinkard	Menton	
Bedsole				—12

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 144. RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business upon reaching bills on third reading for the fifteenth legislative day and the sixteenth legislative day of the 1984 Regular Session:

Inst Id		Page
S. 356	County commission membs. and Revenue Commissioners, min. salary reg., Sec. 11-3-4.1 am'd.	43
S. 114	Alcoholic beverages; sales territories for manufacturers and importers reg.	4
S. 274	Mental Health officials, deposition in crim. case, taking auth., Sec. 22-50-22 am'd.	35
S. 262	Law enforcement officers and firemen, death benefits to survivors incr., Sec. 36-30-2 am'd.	33
S. 73	Fishing licenses, non-resident; trip and annual; increasing the fees for.	44
S. 130	Nonprofit Corp. Act.	27
S. 337	Colleges, teachers, salary discrimination, prohib.	63
S. 328	Probate Judges, min. comp. reg., Sec. 12-13-20 am'd.	105

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S. 436	Banks organized under st. law, auth. to engage in those activities savings and loan assocs. are auth. to engage	93
S. 370	U.S.S. Alabama Battleship Comm., removal of membs. provided, cert. debts forgiven, Secs. 41-9-340, 41-9-343, 41-9-347, 41-9-355 am'd	76
S. 72	State employees; moving expenses; amending Section 36-7-40, Code of Ala. 1975.	57
S. 388	Obscenity laws, prohib. dial a porn. type services, Sec. 13A-12-151 am'd.	83
S. 115	Income tax; "Gross Income" redefined as to exclusions of employer contributions for an employee; Sec. 40-18-14 amd.	18
S. 211	Dental Care Services, regulating health insurance policies and employee benefit plans providing for coverage.	13
S. 352	Alabama Village and Valley Creeks, Flood Control Auth., Est.	80
S. 105	"State courses of study committee"; changing membership of.	11
S. 425	Firefighter's salaries, political subdivisions may make rules and regulations for making payroll deductions	92
S. 193	Workmen's Compensation Law, includes employees of school systems, Secs. 25-5-13 and 25-5-50 am'd.	65
S. 146	Circuit Court Clerks and Registers, requirement to file newspapers deleted, Sec. 6-8-40 am'd.	28
S. 312	Child custody and visitation rts, petitions to modify divorce decrees re, venue reg.	56
S. 317	Education, provid. further for emergency secondary scholarship fund; Secs. 16-23-18 and 16-23-21 am'd	19
S. 283	Drugs. non-controlled substance prescriptions, prob. sale or giving away, penalties prescribed.	36
S. 325	Kindergartens, adoption and purchase of ed. materials reg., Secs. 16-36-7, 16-36-27 am'd.	76
S. 21	Alabama Development Office, regulatory information service estb.	25
S. 242	Workmen's compensation, redefine terms incl. employees of Tannehill Furnace and Foundry Comm. Sec. 25-5-1 am'd.	89
S. 117	Corporations, professional; date of disqualification of shareholders; Act No. 82-514 of 1982 Regular Session.	11
S. 428	FIDUCIARIES AUTHORIZED TO INVEST IN COMMON TRUST FUNDS	94

Senator Little offered the following substitute for the Resolution, S. R. 144, to-wit:

SUBSTITUTE FOR S. R. 144

RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business upon reaching bills on third reading for the fifteenth and sixteenth legislative days of the 1984 Regular Session.

Inst Id		Page
S. 356	County commission membs. and Revenue Commissioners, min. salary reg., Sec. 11-3-4.1 am'd.	43
S. 274	Mental Health officials, deposition in crim. case, taking auth., Sec. 22-50-22 am'd.	35
S. 262	Law enforcement officers and firemen, death benefits to survivors incr., Sec. 36-30-2 am'd.	33
S. 73	Fishing licenses, non-resident; trip and annual; increasing the fees for.	44
S. 130	Nonprofit Corp. Act.	27
S. 337	Colleges, teachers, salary discrimination, prohib.	63
S. 328	Probate Judges, min. comp. reg., Sec. 12-13-20 am'd.	105
S. 436	Banks organized under st. law, auth. to engage in those activities savings and loan assocs. are auth. to engage	93
S. 370	U.S.S. Alabama Battleship Comm., removal of membs. provided, cert. debts forgiven, Secs. 41-9-340, 41-9-343, 41-9-347, 41-9-355 am'd	76
S. 72	State employees; moving expenses; amending Section 36-7-40, Code of Ala. 1975.	57
S. 388	Obscenity laws, prohib. dial a porn. type services, Sec. 13A-12-151 am'd.	83
S. 115	Income tax; "Gross Income" redefined as to exclusions of employer contributions for an employee; Sec. 40-18-14 am'd.	18
S. 211	Dental Care Services, regulating health insurance policies and employee benefit plans providing for coverage.	13
S. 352	Alabama Village and Valley Creeks, Flood Control Auth., Est.	80
S. 105	"State courses of study committee"; changing membership of.	11
S. 425	Firefighter's salaries, political subdivisions may make rules and regulations for making payroll deductions	92
S. 193	Workmen's Compensation Law, includes employees of school systems, Secs. 25-5-13 and 25-5-50 am'd.	65
S. 146	Circuit Court Clerks and Registers, requirement to file newspapers deleted, Sec. 6-8-40 am'd.	28
S. 237	Jefferson County; expense allowance for Assistant Tax Assessor	
S. 312	Child custody and visitation rts, petitions to modify divorce decrees re, venue reg.	56

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S. 317	Education, provid. further for emergency secondary scholarship fund; Secs. 16-23-18 and 16-23-21 am'd	19
S. 283	Drugs, non-controlled substance prescriptions, prob. sale or giving away, penalties prescribed.	36
S. 325	Kindergartens, adoption and purchase of ed. materials reg., Secs. 16-36-7, 16-36-27 am'd.	76
S. 21	Alabama Development Office, regulatory information service estb.	25
S. 242	Workmen's compensation, redefine terms incl. employees of Tannehill Furnace and Foundry Comm. Sec. 25-5-1 am'd.	89
S. 117	Corporations, professional; date of disqualification of shareholders; Act No. 82-514 of 1982 Regular Session.	11
S. 428	FIDUCIARIES AUTHORIZED TO INVEST IN COMMON TRUST FUNDS	94

On motion of Senator Bishop, said substitute was laid on the table.

Yeas 18; Nays 9.

Yeas:

Senators:	Corbett	Foshee	Mitchem	
Barron	Covington	Goodwin	Parsons	
Bedford	deGraffenried	Hand	Smith (J)	
Bishop	Denton	Holmes	Teague	
Cooley	Drinkard	Menton		—18

Nays:

Senators:	Cabaniss	Ellis	Sanders	
Bailey	Dial	Little	Strong	
Bedsole	Dixon			—9

And on motion of Senator Bishop, the Resolution was then adopted by the Senate.

Yeas 22; Nays 2.

Yeas:

Senators:	Cooley	Drinkard	Menton	
Bailey	Corbett	Ellis	Mitchem	
Barron	Covington	Foshee	Parsons	
Bedford	deGraffenried	Goodwin	Smith (J)	
Bedsole	Denton	Hand	Teague	
Bishop	Dixon	Holmes		—22

Nays: Senators: Cabaniss and Little —2

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 142. COMMEMORATING THE DEATH OF DR. MARTIN LUTHER KING, JR.

On motion of Senator Sanders, the Resolution was then adopted by the Senate.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 321. To establish service territories for electric suppliers within the State; to provide the means of eliminating or reducing the potential for duplication of electric distribution facilities used for furnishing retail electric service; to mandate and implement the determination of which electric supplier shall furnish retail electric service to electric customers within various areas of the State including areas within present and future corporate limits of municipalities; to provide that the primary electric supplier within each municipality in the State shall have the right, at its option, to purchase all distribution facilities of any secondary electric supplier used to supply retail electric service within the existing municipal limits and have the right to serve all premises within the existing municipal limits, subject to certain conditions; to define the right and obligation of municipalities and municipally-owned electric suppliers to provide electric service in areas outside the existing municipal limits; to provide for resolution of disputes between electric suppliers regarding sale or purchase of electric facilities; to provide for the applicability of certain provisions of Title 37, Code of Alabama (1975); to provide exemptions from the provisions of this Act for certain agreements between electric suppliers; to prohibit the providing of electric service in violation of this Act; to provide for judicial review and validation of the provisions of this Act by the courts and sets out procedures governing such proceedings and appeals therefrom; provides that the provisions of the Act are not severable and that if any provision is declared invalid under state law, the remaining provisions also shall be invalid, and further provides that if the Act is declared invalid, any actions taken by any party in conformity with the provisions of the Act shall be lawful but that any electric service rendered pursuant to the provisions of the Act shall be terminated; and to repeal all laws or parts of laws in conflict herewith.

CHARLES BISHOP,
Chairperson.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 30

S. B. 33

S. J. R. 45

S. J. R. 83

S. J. R. 109

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S. J. R. 107

S. J. R. 112

S. J. R. 115

S. B. 120

Delivered to the Governor, April 3, 1984, at 12:35 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 5:15 P.M., on motion of Senator Goodwin, the Senate adjourned until Thursday, April 5, 1984 at 10:01 A.M.

SIXTEENTH LEGISLATIVE DAY**THURSDAY, APRIL 5, 1984**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by the Reverend John Copeland, Pastor, Trinity Baptist Church, Gadsden, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Tommy Grimes, Lanier High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Cooley	Figures	Menton
Aldridge	Corbett	Foshee	Mitchem
Amari	Covington	Goodwin	Parsons
Bailey	deGraffenried	Hand	Pearson
Barron	Denton	Hilliard	Sanders
Bedford	Dial	Holmes	Smith (J)
Bedsole	Dixon	Langford	Strong
Bishop	Drinkard	Little	Teague
Cabaniss	Ellis		

—33

JOURNAL

On motion of Senator Teague, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Fifteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Fifteenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator Teague, leave of absence was granted to Senators Bennett and Smith (B) for today.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Denton:

S. 524. To amend Section 41-1-6, Code of Alabama 1975, relating to inventory of certain personal property by state agencies and departments, so as to provide for an annual inventory.

Committee on Commerce,
Transportation, and Utilities.

By Senator Denton:

S. 525. To amend Sections 36-16-8 and 36-16-11, Code of Alabama 1975, relating to the inventory of state property, so as to further regulate the submission of inventory to the state auditor and the conducting of inventory.

Committee on Commerce,
Transportation, and Utilities.

By Senator Dixon:

S. 526. To amend Section 22-14-5 of the Code of Alabama 1975, which provides for the radiation advisory board of health, so as to provide for appointment of a veterinarian to such board.

Committee on Health and Welfare.

By Senators Corbett, Barron, and Bedford:

S. 527. To amend Section 16-11-2 of the Code of Alabama 1975 relating to the composition, qualifications and compensation of members of the city boards of education, so as to prescribe procedure for removal of such members.

Committee on Education.

By Senator Mitchem:

S. 528. To create and establish a natural heritage program in the state parks division of the Alabama department of conservation and natural resources for the purpose of preserving, managing and enhancing the state's significant natural resources; to create a natural areas advisory committee, an Alabama natural heritage trust commission and an Alabama natural heritage trust; and to provide for operating funds.

WHEREAS, the Alabama Legislature finds that as a part of the continuing growth of the population and development of the economy of the state it is necessary and desirable that portions of the state's rich natural and cultural diversity be set aside as heritage preserves and sites and protect it for the benefit of present and future generations, for once disturbed they cannot be wholly restored; and

WHEREAS, such areas and features are irreplaceable as laboratories for scientific research; as reservoirs of natural materials for which the value and usefulness thereof is not yet fully known; as habitats for rare and vanishing species; and as living museums where people may observe natural biotic and environmental systems and as areas for study and enjoyment as examples of the lands, structures and related artifacts which represent significant parts of our natural and cultural heritage; and

WHEREAS, a number of independent and differing efforts, both private as well as public, have been initiated to protect some of these assets, a coordinated and concerted program is needed in order to avoid duplication and/or conflict among these and other valuable activities and to insure the maximum conservation of these resources through the establishment of a more effective and adequate official legal mechanism for identifying and recognizing and protecting such areas for their outstanding characteristics; and

WHEREAS, the neighboring states of Mississippi, Tennessee, Florida, North Carolina and South Carolina have enacted legislation providing for the creation of mechanisms to enhance and/or manage said states' significant natural resources for the benefit of current and future generations; now therefore,

Committee on Agriculture,
Conservation, and Forestry.

By Senator Parsons:

S. 529. To amend Section 37-3-4 of the Code of Alabama 1975, relating to motor vehicle carriers as to exempt motor vehicle carriers transporting coke from regulation by the public service commission.

Committee on Commerce,
Transportation, and Utilities.

By Senator Parsons:

S. 530. To amend Section 6 of Chapter 16 of Title 16 of the Code of Alabama, 1975, to add the Chancellor of Postsecondary Education as a member of the Alabama Public School and College Authority.

Committee on Education.

By Senator deGraffenried:

S. 531. To amend Code of Alabama 1975, Section 5-5A-20, as amended by Act No. 83-73, First Special Session 1983, relating to branch banking, so as to provide that electronic funds transfer, automatic teller machines, and other off-premise operations which the Superintendent of Banks may authorize pursuant to Section 5-2A-7 shall not constitute branch banks, branch offices, branch agencies, additional offices, branch places of business, or offices for the transaction of the banking business, for the receipt of deposits, payment of checks, lending of money and conduct of a general banking business.

Committee on Banking and Insurance.

By Senators Corbett, Barron, Teague, Holmes, Foshee, Hand, Little, Parsons, Strong, Bailey, Goodwin, Dixon, and Cooley:

S. 532. Relating to the administrative operations and regulatory functions and procedures of the Alabama Public Service Commission; providing for a chief administrative officer for said commission; providing for transfer of the present functions of the commissioners' technical and executive staff to appropriate positions on the professional staff of the chief administrative officer effective upon expiration of terms of the current commissioners; providing for administrative law judges to be used at all hearings; providing certain staggered terms of office for the commissioners; providing that all fees collected by the commission shall be deposited in the general fund with

the commission receiving an annual appropriation therefrom and providing for supplemental effect.

Committee on Commerce,
Transportation, and Utilities.

By Senators Cooley and Corbett:

S. 533. Relating to the reorganization of the Alabama Public Service Commission ("APSC"); providing for the discontinuance of the office of APSC "President" effective with the expiration of the President's term of office commencing in November, 1984; providing for the establishment in lieu of an APSC President, the office of "Associate Commissioner No. 3", effective with the term of office commencing in November of 1988; providing for the election of the three associate commissioners to staggered terms of six (6) years each; providing for an alternating "chairmanship" of the APSC; providing for the compensation and expenses of the commissioners; providing further for the creation of an APSC Chief Administrative Officer ("CAO") to be appointed by the Commission and providing for his duties, responsibilities, and compensation; providing for the employment by the APSC of administrative law judges, hearing examiners, and other personnel, and providing further for their duties, compensation, and other conditions of employment; and providing for the establishment under the office of the Governor, the "Governor's Staff for Utility Consumer Protection," and providing for its organization, personnel, responsibilities, and funding.

Committee on Commerce,
Transportation, and Utilities.

By Senators Drinkard and Teague:

S. 534. To amend Sections 33-16-7, 33-16-9 and 33-16-11 of the Code of Alabama 1975 to authorize the Coosa Valley Development Authority to undertake certain additional types of obligations, to modify certain restrictions pertaining to the contractual obligations of said authority, to provide that certain contracts between said authority and the United States shall not be subject to certain requirements generally applicable to contracts of said authority and to clarify the respective responsibilities of said authority and the state docks department with respect to the provision and maintenance of river and canal terminals.

Committee on Industrial Expansion,
Economic Growth, and Jobs.

By Senator Denton:

S. 535. To amend Section 6-10-126, Code of Alabama 1975, that provides for exemption of certain personal property from levy of an execution or attachment so as to provide that the exemption does not apply to certain personal property pledged in a consensual security agreement.

Committee on Judiciary.

By Senator Aldridge:

S. 536. To amend Section 12-17-290 Code of Alabama 1975, relating to qualifications for becoming a supernumerary court reporter so as to entitle an official court reporter to qualify after 20 years of service; and to provide an annual salary of \$12,000.00 for supernumerary court reporters.

Committee on Judiciary.

By Senators Foshee and Teague:

S. 537. To amend Section 32-6-6, Code of Alabama 1975, relating to the contents of a driver's license, so as to provide for a standard sized driver's license and nondriver identification card, to levy an additional fee for the issuance of said standardized license and card and to provide for the disbursement of said money.

Committee on Buildings and Grounds.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Starkey:

H. 182. To amend Sections 40-12-248, 40-12-269 and 40-12-270, Code of Alabama, 1975, as amended, which relate to license taxes and registration fees on trucks and truck tractors so as to further provide for the collection, amount and distribution of such license taxes and registration fees.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 182. To the Committee on Finance and Taxation.

REPORTS OF COMMITTEES

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Mitchem (With Amendment):

S. 46. To make a supplemental appropriation of \$500,000 from the Alabama Special Educational Trust Fund to the Alabama Commission on Higher Education for the fiscal year 1983-84.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Denton:

S. 74. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1985, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

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By Senator Teague:

S. 330. To make a supplemental appropriation for the current fiscal year ending September 30, 1984, from the Board of Polygraph Examiners Fund to the Board of Polygraph Examiners.

By Senator Covington:

S. 406. To amend Sections 16-31-1 and 16-31-4, Code of Alabama 1975, relating to appropriations from the special educational trust fund to state institutions of higher learning for matching American Legion Scholarships, so as to increase such appropriations.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Goodwin, Strong, and Teague (With Amendment):

S. 430. To provide for the payment of tuition and the cost of textbooks for an undergraduate student in a state college, state community college, state junior college, state technical college, or state university, who is the dependent child or spouse who has not remarried, of a law enforcement officer or firefighter killed in the line of duty; to create a Tuition Eligibility Board to administer the provisions of the act and appointments and memberships; and to prescribe its composition, duties and responsibilities; to appropriate sufficient funds from the general fund of the state treasury; and to specifically repeal Act No. 82-277, S. 237 of the 1982 Regular Session (Acts 1982, p. 348), which is the "Policeman's Survivor Act" and conflicting laws; and to make the provisions retroactively effective.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Foshee:

S. 507. To amend Section 37-3-32 relating to Public Service Commission appropriations and increasing the registration fees of motor carrier vehicles.

By Senator Mitchem:

S. 510. To amend Section 40-23-5 of the Code of Alabama 1975, which exempts certain organizations from payment of state, county and municipal sales and use taxes, so as to exempt The Alabama Society for Crippled Children and Adults, Inc., and any of its branches or agencies from such taxes.

By Senator Goodwin:

S. 513. To make a supplemental appropriation to the National Conference of State Legislatures for membership dues.

Senator Langford, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable

report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Parsons:

S. 424. To require insurance companies which write liability insurance for automobiles, products, medical practitioners, and governmental sub-divisions to include in their annual reports to the Commissioner of Insurance a breakdown of policy premiums, claims information, underwriting income and loss, investment income, expenses, and other information which bears upon the profitability of business in this state, and to repeal conflicting laws.

By Senator Smith (J):

S. 460. To authorize certain surplus state owned property to be loaned to volunteer ambulance services and volunteer rescue squads; to provide for a screening procedure and the final disposition of said property; and to provide for certain criminal penalties for violating the provisions of this act.

By Senator Teague:

S. 463. Providing for non-profit organizations in the State to purchase goods and services through the Purchases and Stores Division of the Department of Finance, upon request, and purchase products and services offered by the Correctional Industries Division of the Department of Corrections.

By Senator Mitchem:

S. 464. To create and establish the Legislative Information Office; to provide for the supervision and funding of said office by the Legislative Council; to prescribe the duties, powers and functions of the Legislative Information Office; to provide for the appointment and compensation of a Director and other employees of the Legislative Information Office; and to prescribe the duties, powers and functions of said Director.

By Senator Mitchem:

S. 473. To amend Section 41-7-3 Code of Alabama 1975, which relates to the Advisory Board for the Bureau of Publicity and Information, so as to increase the membership of that Board from twelve to seventeen members.

By Senator Teague:

S. 484. To amend Section 36-27-6(a), Code of Alabama 1975, to permit the full-time employees and executive officers of the Alabama State Employees' Association and the Alabama Retired State Employees' Association to participate in the Employees' Retirement System of Alabama.

Senator Bailey, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Dial:

S. 472. To amend Section 9-3-12, Code of Alabama 1975, relating to the state forestry commission steering committee, so as to provide further for an increase in committee members and their appointment.

By Senator Figures:

S. 475. To provide for a state historic park and landmarks district in Mobile County to be known as "Africatown, U.S.A. State Historic Park and Landmarks District"; to provide for a public corporation for the purpose of developing, improving and maintaining such park and district; to prescribe the boundaries of such park and district and to authorize the Governor to enter into certain agreements with the progressive league for the development, supervision and maintenance of such park and district.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Mitchell, Zoghby, Johnson (Roy), Holley, Bowling, Newman, Albright, Lauderdale, Hall, Hettinger, Nicholson, Poole, Carter, Carothers, and White (F):

H. 208. To amend Section 16-8-26, Code of Alabama, 1975, which provides for personal leave for teachers, so as to provide further for said leave, and to provide for creditable service for purposes of service retirement for unused accrued sick leave.

By Senators Parsons, Drinkard, Foshee, Bedford, deGraffenried, Mitchem, Amari, Dial, Teague, Sanders, Hilliard, Bedsole, Corbett, Strong, Menton, Cooley, Bennett, Little, and Aldridge:

S. 485. To amend various sections of Chapter 14 of Title 16 of the Code of Alabama 1975 relating to the authorization and incorporation of the Alabama Public School Corporation so as to authorize said corporation to borrow money for any corporate function, to pledge certain notes or warrants received from local school boards as security for debts of the corporation, to employ experts to assist the corporation, to obtain guarantees, insurance, surety bonds and letters of credit as security for the notes and warrants of the corporation, to establish reserve funds, and to make loans to one or more local school boards for the payment of teachers' salaries and current operating expenses; to specify that an additional purpose of the corporation shall be the borrowing of money on behalf of local school boards and the lending of such money to local school boards; to provide that all notes or warrants of the corporation shall be payable solely out of the proceeds of the minimum program fund appropriation or the proceeds from notes or warrants of local school boards to which funds are loaned by the corporation; to authorize the corporation to consult with local school boards to determine their cash needs for teacher payrolls and other current expenses; to provide that borrowings by the corporation in anticipation of appropriations from the Alabama special educational trust fund may be made on behalf of local school boards for whose benefit such appropriations have been made; to provide that the powers of the corporation shall be vested in a board of directors consisting of the director of the department of finance, the commissioner of the department of revenue and the state superintendent of education and to provide for officers of the corporation; to specify the method of dissolving the corporation; to provide for the terms and provisions of any notes or warrants issued by the corporation and the execution thereof; and to clarify that notes and warrants of the corporation shall not constitute debts or obligations or a charge against the credit or taxing power of the State of Alabama.

Senator Aldridge, Chairperson of the Standing Committee on Health

and Welfare, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Bennett:

S. 396. To amend Section 22-22A-6, Code of Alabama 1975, which provides for the Alabama Department of Environmental Management Commission, so as to provide further for the membership of the Commission.

By Senator Cooley:

S. 222. To amend Section 16-22-3, Code of Alabama 1975, requiring examination for tuberculosis of school personnel by deleting the specific tests and frequency and adding the determination of same to be by rule of state board of health.

By Senator Covington:

S. 302. To amend sections 22-50-1 thru 22-50-6, 22-50-8 thru 22-50-17, 22-50-19, 22-50-20 and 22-50-23 of the code of Alabama 1975, relating to the department of mental health so as to redesignate the department of mental health as the department of mental health and mental retardation; to designate the method of appointing members of the mental health and mental retardation board and to provide that such board shall be advisory, to specifically repeal Section 22-50-7, and to establish the department as a state agency responsible to the governor of Alabama.

By Senator deGraffenried:

S. 390. To amend Section 11-89A-6 of the Code of Alabama 1975, relating to boards of directors for solid waste collection and disposal authorities, so as to provide further for the membership of such boards.

By Senator Denton:

S. 397. To amend Section 22-21-260 of the Code of Alabama 1975, so as to exempt a Veterans Nursing Home operated by the Department of Veterans Affairs from definition as a health care facility.

Senator Smith (J), Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Teague:

S. 462. To authorize any municipality or group of municipalities, either individually or collectively, to establish a health and accident self-insurance group for the purpose of providing health care and hospital benefits for their officers, employees and family members dependent upon such officers or employees; to authorize the use of public funds in providing such benefits; to provide procedures for the establishment and operation of such groups; to exempt such groups from the regulation by the Department of Insurance of the State of Alabama; to exempt such groups from insurance premium taxes; and to establish an effective date.

By Senator Teague:

S. 466. To provide for the establishment of a uniform plan of Health Insurance for Employees and, under certain conditions, retired employees,

of employers participating in the Employees' Retirement System of Alabama under the provisions of § 36-27-6, Code of Alabama, 1975 as amended. To provide for the creation of the local Employees' Health Insurance Board, its authority, responsibilities, powers, and duties and to provide for the terms of its members. To prescribe the coverage which may be provided by said Board and the method of funding the cost of said coverage. To further provide that the Board upon certain findings, may develop a plan of self insurance.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Figures (With Notice and Proof):

S. 6. To provide for an adjustment in certain benefits paid under the pension and relief system for policemen and firemen of the City of Mobile to retired members of such system who retired after October 1, 1977, and before May 4, 1978.

By Senator Hand (With Notice and Proof):

S. 294. To alter, rearrange and add to the limits of the City of Satsuma in Mobile County, Alabama, and to describe the area so added to the City of Satsuma.

Senator Figures, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senator Bedsole (With Notice and Proof) (With Amendments):

S. 429. Relating to any Class 2 municipality; providing for a referendum on the question of adoption of a mayor-council form of government, a council-manager form of government, or the mandated district-commission form of government; establishing in the alternative said forms of government; and providing for penalties for violations of certain provisions of this Act.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Smith (J) (With Amendment):

S. 124. To allow the state of Alabama to have a jury trial in any felony case where that right has been waived by the defendant.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Parsons:

S. 357. To amend the Alabama Administrative Procedure Act, Act No. 81-855, Acts of Alabama 1981 (codified as Chapter 22, Title 41, Code of

Alabama 1975), by specifically amending § 41-22-3, Code of Alabama 1975, relating to the definition of "agency" to include the Alabama Department of Environmental Management and to delete those exempted agencies which no longer exist, and relating to the definition of "rule" to exempt from that definition any form which is specifically required by federal statute or by federal rule or regulation, but providing that all forms must be on file with the secretary of the agency and with the legislative reference service and published in the agency administrative code and relating to the definition of "contested case" to exempt from that definition and the provisions of §§ 41-22-12 through 41-22-21, Code of Alabama 1975, tax assessments, determinations, redeterminations and appeals, and related procedures and adjudicative proceedings which are governed by Title 40, Code of Alabama 1975 and which are governed by Article 7, Chapter 4, Title 25, Code of Alabama 1975 and certain pardon and parole hearings; by amending § 41-22-6, Code of Alabama 1975, relating to the effective dates of rules so as to permit an effective date of less than 35 days where the action is required by or to comply with a federal statute or regulation which requires adoption of a rule upon fewer than 35 days' notice; by amending § 41-22-8, Code of Alabama 1975, relating to the time limitation placed upon agency action upon a petition in writing requesting the adoption, amendment or repeal of a rule so as to grant an agency which has its next regularly scheduled meeting beyond said 60-day period, the authority upon written notice to extend the period for not more than 30 days within which to deny or initiate rule-making proceedings; by amending § 41-22-11, Code of Alabama 1975, to correct appeals reference; by amending § 41-22-12, Code of Alabama 1975, relating to contested cases to permit, where now permitted by existing statute, delivery of notice of hearing by first-class mail, postage prepaid, to be effective upon the deposit of the notice in the mail; and further to provide that where the statutory determinative process is a multi-level procedure, the opportunity to present evidence need be afforded at only one level in the process unless otherwise provided by statute; by amending § 41-22-13, Code of Alabama 1975, relating to rules of evidence so as to provide that, where judicial review is by a trial de novo, it is not necessary to make objections or for the agency to rule upon objections during a hearing, where such procedure is announced in advance of hearing, but requires the agency in such case to consider only such testimony and evidence as is relevant, material, competent and legal; by amending § 41-22-16, Code of Alabama 1975, relating to final decisions and orders to provide that notification of all orders, except the final order, may where permitted by existing statute, be delivered by first-class mail, postage prepaid, and delivery to be effective upon deposit of the notice in the mail; by amending § 41-22-20, Code of Alabama 1975, relating to judicial review of contested cases to require that a cost bond must be filed with the agency in order to initiate appeal or review; to make the 30-day period within which to appeal or to institute judicial review uniform in all cases, to provide for appeal or review by the courts by a trial de novo where permitted by existing or future statute; to provide that appeals from agency orders may also be filed in the circuit court of Montgomery County; by amending § 41-22-21, Code of Alabama 1975, relating to appeals from final judgments of circuit courts to require that an appeal must be taken to the appropriate appellate court within 42 days from entry of judgment; amending §§ 41-22-25 and 41-22-27, Code of Alabama 1975, to clarify the effective date and publication date of the Alabama Administrative Procedure Act; and repealing the exemption of the Alabama Department of Environmental Management as set forth in Section 14(d) of Act No. 82-612, Acts of Alabama 1982.

By Senators Mitchem and Barron:

S. 470. To provide for the criminal offense of theft of trade secrets and trademarks and to prescribe penalty for conviction of such offense.

By Senator Teague:

S. 486. Providing for purging the lists of registered voters; requiring and prescribing the procedure for the reidentification of certain registered voters; providing for the appointment of deputy registrars to aid in the reidentification and registration of electors; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

By Senator Teague:

S. 479. To repeal Section 12-13-52, Code of Alabama 1975, which section fines probate judges for the appointment of certain persons as guardian ad litem.

RESOLUTIONS

Senator Dial offered the following Senate Resolution, to-wit:

S. R. 145. COMMENDING MS. JUDY LONGINO AS AN EXEMPLARY PUBLIC EMPLOYEE.

Which was read and referred to the Standing Committee on Rules.

Senator deGraffenried offered the following Senate Joint Resolution, to-wit:

S. J. R. 146. COMMENDING THE MONTGOMERY CHAPTER OF PROFESSIONAL SECRETARIES INTERNATIONAL.

WHEREAS, the Montgomery chapter of Professional Secretaries International is to be commended for their outstanding achievements in elevating the standards of the secretarial profession and in recognizing the vocation of secretaries as a professional career; and

WHEREAS, the Montgomery chapter of Professional Secretaries International has been instrumental in promoting its working relationship with management through continuing education and authorized programs which include the Certified Professional Secretary examination, the Future Secretaries Association, the Home Trust Fund, the Research and Educational Foundation and Professional Secretaries Week; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Montgomery Chapter of Professional Secretaries International for their outstanding achievements in the secretarial profession.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Montgomery chapter of Professional Secretaries International.

Which was read and referred to the Standing Committee on Rules.

MOTIONS IN WRITING

Senator Bailey offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 283, on page 36 of the Sixteenth Day Calen-

dar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 283, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Bailey then offered the following Motion in Writing to-wit:

I move that the Bill, S. B. 345, on page 49 of the Sixteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 345, referred to the Standing Committee on Rules for placement on the Consent Calendar.

SPECIAL ORDER

BILLS ON THIRD READING

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

S. 356. To amend Section 11-3-4.1, Code of Alabama, 1975, as amended, which relates to commissioners' minimum compensation so as to further provide for such compensation and to provide a minimum compensation for revenue commissioners and to further provide for such compensation.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 356, to-wit:

AMENDMENT TO S. B. 356

Amend Senate Bill No. 356, page 2, lines 33-35, by striking out the period after the word "minimum" and inserting:

"nor shall such provisions apply unless approved by a resolution of the county governing body".

On motion of Senator Cooley, said amendment was laid on the table.

Senator Cooley then offered the following substitute for the Bill, S. B. 356, to-wit:

SUBSTITUTE FOR S. B. 356

A BILL TO BE ENTITLED AN ACT

To amend Section 11-3-4.1, Code of Alabama, 1975, as amended, which relates to commissioners' minimum compensation so as to further provide for such compensation and to provide a minimum compensation for revenue commissioners and to further provide for such compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-3-4.1, Code of Alabama, 1975, is hereby amended to read as follows:

"§ 11-3-4.1. (a) For the purposes of this section the following terms shall have the following meanings:

(1) County commission chairman. Those persons elected or appointed to such office by any and all lawful means but shall not include those persons who serve as chairman by virtue of their having been elected or appointed as probate judge of the county.

(2) Compensation. All salary, expense allowance or any other compensation received for serving as commissioner or chairman of the county commission but shall not include any reimbursement for mileage traveled or actual and necessary expenses incurred which are otherwise payable by law.

(3) Local law. Any and all applicable statutes that apply to any part of the state which is less than the whole and shall include statutes otherwise known as "general laws of local application" or "population bracket acts."

(b) No county commissioner shall receive compensation for serving as such officer, that is less than ~~\$9,600.00~~ \$14,600.00 per year. No county commission chairman shall receive compensation for serving as such officer, that is less than ~~\$13,600.00~~ \$18,600.00 per year.

(c) No county commissioner that is required by local law to serve full time as county commissioner, shall receive compensation for serving as such officer, that is less than ~~\$20,000.00~~ \$25,000.00 per year. No county commission chairman, shall receive compensation for serving as such officer, that is less than ~~\$25,000.00~~ \$35,000.00 per year.

(d) The provisions of this section shall in no way affect reduce the compensation of county commissioners or county commission chairmen whose compensation is in excess of the minimums provided herein. Nor shall such provisions in any way affect subsequent local laws or general laws which provide compensation in excess of such minimums. Nor shall such provisions apply unless approved by a resolution of the county governing body. The provisions of this section shall in no way affect the compensation of probate judges. All compensation affected hereby shall be payable from the respective county's general fund or any other such fund from which such officer's compensation may now be paid by law.

(e) The provisions of this section which serve to increase any commissioner's or county commission chairman's compensation shall not take effect until the first day of the next term of office for such official; provided, however, where the county commission members' terms do not run concurrently, any increase provided under this section shall become effective as to all such members thereof immediately after the expiration of the term or terms of office of the member or members whose term or terms first expire.

~~(f) The other provisions of this section notwithstanding, the provisions of this section which serve to increase any commissioner's or county commission chairman's compensation shall not take effect unless said county commission is complying with any local section which requires payment of any judicial supplement."~~

Section 2. (a) No revenue commissioner shall receive compensation for serving as such officer, that is less than \$30,000.00 per year.

(b) The term "revenue commissioner" as used in this section shall mean any county official whose office has been established pursuant to the Constitution or laws of this state and whose duties of office include those formerly performed by both the offices of tax assessor and tax collector which offices have been abolished in that county.

(c) The term "compensation" as used in this section shall mean all sal-

ary, expense allowance or any other compensation received for serving as revenue commissioner but shall not include any reimbursement for mileage traveled or actual and necessary expenses incurred which are otherwise payable by law.

(d) The provisions of this section shall in no way affect the compensation of revenue commissioners whose compensation is in excess of the minimum provided herein. Nor shall such provisions in any way affect subsequent local laws or general laws which provide compensation in excess of such minimum. The provisions of this section shall in no way affect the compensation of tax assessors or tax collectors. All compensation affected hereby shall be payable from the respective county's general fund or any other such fund from which such officer's compensation may now be paid by law.

Section 3. All laws or parts of laws general, local or special in conflict with the provisions of this Act are hereby repealed insofar as such conflict shall exist.

Section 4. The provisions of this Act are severable and if any provisions hereof shall be declared invalid or unconstitutional such declaration shall not affect the remaining provisions of this Act.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

On motion of Senator Hand, further consideration of the Bill, S. B. 356, and pending substitute, was postponed subject to the call of the Chair.

The Bill:

S. 114. To further regulate and control alcoholic beverage transactions in Alabama under the control and supervision of the Alcoholic Beverage Control Board; to provide that each manufacturer or importer of alcoholic beverages selling its products in Alabama through wholesale licensees to retail licensees shall designate sales territories within the state and shall enter into a written territorial agreement naming an exclusive wholesaler for each such designated sale territory, and shall file with Board the designated sales territories and a copy of each territorial agreement; to provide that such territorial agreement may not establish or maintain resale price; to provide for the modification of the designated sales territories and exclusive territorial agreements; to provide for verification by the Board of timely and proper filing of returns and payment of state and local taxes levied on alcoholic beverages by statute; to make it unlawful for any manufacturer or importer to permit its products to be sold in Alabama without the designation of sales territories and exclusive wholesalers for such territories, for any wholesaler to sell alcoholic beverages in any territory other than that designated as his exclusive sales territory or to sell any brand of alcoholic beverages without authorization from its manufacturer or importer, and for any retailer to purchase any alcoholic beverages from a wholesaler which has not been designated as the exclusive wholesaler for such alcoholic beverages for the sales territory within which the retailer's place of business is located; to provide penalties for violation of the provisions of this act; and to repeal all laws or parts of laws in conflict or inconsistent herewith.

was taken up.

Senator Cabaniss moved that further consideration of the Bill, S. B. 114, be postponed until the Thirtieth Legislative Day.

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On motion of Senator Parsons, the motion to postpone was laid on the table.

Yeas 15; Nays 8.

Yeas:

Senators:	Corbett	Goodwin	Parsons	
Aldridge	Covington	Hand	Smith (J)	
Bedford	Drinkard	Holmes	Strong	
Cooley	Foshee	Langford	Teague	—15

Nays:

Senators:	deGraffenried	Dixon	Little	
Bailey	Dial	Ellis	Mitchem	
Cabaniss				—8

Senator Cabaniss then moved that further consideration of the Bill, S. B. 114, be postponed subject to the call of the Chair.

On motion of Senator Parsons, the motion to postpone was laid on the table.

Yeas 15; Nays 11.

Yeas:

Senators:	Cooley	Foshee	Langford	
Aldridge	Corbett	Goodwin	Parsons	
Bedford	Covington	Hand	Smith (J)	
Bishop	Drinkard	Holmes	Teague	—15

Nays:

Senators:	deGraffenried	Dixon	Mitchem	
Bailey	Denton	Ellis	Sanders	
Cabaniss	Dial	Little	Strong	—11

Senator Cabaniss then offered the following substitute for the Bill, S. B. 114, to-wit:

SUBSTITUTE FOR S. B. 114

**A BILL
TO BE ENTITLED
AN ACT**

To further regulate and control alcoholic beverage transactions in Alabama under the control and supervision of the Alcoholic Beverage Control Board; to provide that each manufacturer or importer of alcoholic beverages selling its products in Alabama through wholesale licensees to retail licensees shall designate sales territories within the state and shall enter into a written territorial agreement naming an exclusive wholesaler for each such designated sale territory, and shall file with Board the designated sales territories and a copy of each territorial agreement; to provide that such territorial agreement may not establish or maintain resale price; to provide for the modification of the designated sales territories and exclusive territorial agreements; to provide for verification by the Board of timely and proper filing of returns and payment of state and local taxes levied on alcoholic beverages by statute; providing the Board authority to set maximum prices, conduct price hearings, and otherwise regulate maximum prices; to make it unlawful for any manufacturer or importer to permit its products to be sold

in Alabama without the designation of sales territories and exclusive wholesalers for such territories, for any wholesaler to sell alcoholic beverages in any territory other than that designated as his exclusive sales territory or to sell any brand of alcoholic beverages without authorization from its manufacturer or importer, and for any retailer to purchase any alcoholic beverages from a wholesaler which has not been designated as the exclusive wholesaler for such alcoholic beverages for the sales territory within which the retailer's place of business is located; to provide penalties for violation of the provisions of this act; and to repeal all laws or parts of laws in conflict or inconsistent herewith.

Be It Enacted by the Legislature of Alabama:

SECTION 1: Legislative Policy and Intent.—Pursuant to the authority of this state under the Twenty-first Amendment to the United States Constitution, the policy and intent of the legislature in the enactment of this Act are to further regulate and control alcoholic beverage transactions in Alabama under the control and supervision of the Alcoholic Beverage Control Board; to promote and assure the public's interest in fair and efficient distribution and quality control of alcoholic beverages in Alabama; to promote orderly marketing of alcoholic beverages; to promote vigorous inter-brand competition; and to facilitate collection of state and local revenue.

SECTION 2: Designation of sales territory and exclusive wholesaler.—Each manufacturer or importer of alcoholic beverages licensed by the Board authorizing such licensee to sell its alcoholic beverages within the State of Alabama, whose alcoholic beverages are sold through wholesale licensees of the Board to retail licensees of the Board, shall designate exclusive sales territories for each of its brands sold in Alabama and shall name one licensed wholesaler for each such sales territory who, within such territory, shall be the exclusive wholesaler for said brand or brands; provided where a manufacturer or importer licensee has more than one brand of alcoholic beverages sold within this state, such licensee may designate the exclusive sales territory to a different wholesaler for the sale of each of its brands and may designate a different sales territory for each of its brands. Such manufacturer or importer licensee shall enter into a territorial agreement, in writing, designating the exclusive territory and authorizing the sale by a designated licensed wholesaler of that brand or brands within the designated territory. Such manufacturer or importer shall not designate more than one wholesaler for each brand for all or any part of a designated sales territory, and the written territorial agreement shall not provide for the distribution of a brand or brands to more than one licensed wholesaler for all or any part of the designated territory. All such territorial agreements shall be filed with the Board.

SECTION 3: Territorial agreement may not establish or maintain resale price.—No provision of any territorial agreement shall, expressly or by implication, or in its operation, establish or maintain the resale price of any brand or brands of alcoholic beverages by the wholesaler.

SECTION 4: Modification of designated sales territory or territorial agreement.—No modification of either the designated sales territory or any territorial agreement shall be effective (i) until written notice thereof shall have been given by the manufacturer or importer to the wholesaler; (ii) until written notice thereof, together with the affidavit of the manufacturer stating that the level of service within the designated territory will not be adversely affected by the change, shall have been filed with the Board; and (iii) until the Board shall have verified that the level of service within the

designated territory will not be adversely affected by the change. Provided, however, Board verification shall not be required where the Board has suspended or revoked the license of the wholesaler, shall not be unreasonably withheld and shall be completed within a reasonable time not to exceed thirty (30) days from the date of filing with the Board. The notice shall be given after recognizing all rights of the wholesaler and duties of the manufacturer or importer. Nothing in this Act shall impair or alter contractual rights, duties or obligations of manufacturer, importer or wholesaler, including but not limited to the termination thereof.

SECTION 5: Wholesaler service and quality control.—The wholesaler licensee designated as the exclusive wholesaler for a brand or brands within a designated territory must service retail licensees within that territory without discrimination, and shall service for the purpose of quality control all of the alcoholic beverages sold by that wholesaler to retailers within such territory. Each such wholesaler shall provide such additional quality control services and comply with such additional quality control standards as are specified in writing from time to time by the owner of the trademark of the brand or brands of alcoholic beverages, provided those activities or standards are reasonable and are reasonably related to the maintenance of quality control, and provided that the wholesaler has received written notice thereof.

SECTION 6: Board Verification of Reporting and Payment of Taxes.—The Board shall have the authority to inspect, examine and audit the books and records of any wholesaler licensee who sells, stores or receives for the purpose of distribution, any alcoholic beverages, to verify the proper filing and to determine the accuracy of any state or local tax return required to be filed by the wholesaler, and to determine the payment of all state and local taxes when and where due with respect to any state or local tax levied on alcoholic beverages by statute. In pursuance of said authority, the Board shall have the further authority to inspect, examine and audit the books and records of any person, firm, corporation, club or association who sells at retail any alcoholic beverages. Provided, however, this section imposes no duty upon the Board to inspect, examine and audit with respect to local taxes on alcoholic beverages.

SECTION 7: Setting of Maximum Prices by Board—

(1) The Board shall have the power to fix maximum wholesale prices for table wine and malt or brewed beverages within each exclusive sales territory for each brand of table wine and malt or brewed beverage.

(2) Each wholesaler shall file with the Board 30 days prior to any change in maximum price, notice of intent to change prices. Before approving any maximum price change, the Board shall hold public hearings relative to the exclusive sales territory or territories affected and hear evidence under oath relative to the prices to be fixed. Notice of such hearings shall be given to interested parties, including consumers, by announcement published in a newspaper having general circulation within the area or areas affected. Such announcement shall appear at least once, not less than 10 days nor more than 20 days prior to the date set for the hearing. Such publication shall be deemed sufficient and legal notice to all persons required by this article to be notified.

(3) The initial maximum prices filed with the Board shall be those wholesale prices in effect 10 days prior to this Act becoming law.

(4) At price hearings, consumers shall be entitled to offer evidence and

to be heard the same as persons engaged in the industry. In fixing maximum prices, each Board Member may consider matters within his own knowledge and within the knowledge of the Board as a whole as well as pertinent or related matters occurring in other exclusive sales territories within or outside the state. After conducting such public hearings, the Board may, at its discretion, take under advisement the evidence and matters submitted to it, deliberate in private and render a decision at a later date.

(5) After holding such public hearings, deliberating and making such other investigation deemed advisable and after preparing a written finding of facts, the Board shall issue an official order fixing reasonable maximum prices. Nothing in this Act shall prohibit wholesalers from charging less than the maximum price fixed by the Board.

(6) The Board may, upon its own initiative or upon application, from time to time, amend or revise orders fixing prices, but shall hold a hearing and shall follow the same procedures as required in originally fixing the prices or charges. Such orders may be reviewed by certiorari in the same manner as other orders and regulations of the Board.

SECTION 8: Definitions:—

The words and phrases used in this Act shall have the meanings ascribed to them, § 28-3A-2, Code of Alabama 1975, and any acts amendatory thereof, supplementary thereto or substituted therefor.

SECTION 9: A. Unlawful acts and offenses.—It shall be unlawful—

(1) For any manufacturer or importer licensed by the Board to sell its brand or brands of alcoholic beverages in the State of Alabama to any person, except through the Board in the case of spirituous liquor and wine, other than to a licensed wholesaler designated as the exclusive wholesaler for said brand or brands.

(2) For any wholesaler to sell to a retail licensee any brand of alcoholic beverages in the State of Alabama, except in the sales territory designated by the manufacturer or importer licensee and set forth in a written territorial agreement authorizing the sale by such wholesaler licensee of that brand within a designated territory; provided, however, a licensed wholesaler may, with the approval of the Board, service a territory outside the territory designated to it during periods of temporary service interruptions when so requested by the manufacturer or importer and the designated wholesaler within such territory whose service is temporarily interrupted.

(3) For any wholesaler to sell to a retail licensee any brand of alcoholic beverages in the State of Alabama unless there is in effect a territorial agreement in writing between the licensed manufacturer or importer thereof and said licensed wholesaler authorizing the sale by such wholesaler of that brand within a designated territory.

(4) For any licensed retailer to purchase any brand of alcoholic beverages from any wholesaler which has not been designated by the licensed manufacturer or importer thereof as the wholesaler for such brand for the sales territory within which the retailer's place of business is located.

(5) For a person to sell beer manufactured outside this state to a beer wholesaler within this state for the purpose of its importation into this state at a price, exclusive of container deposit, freight, and state and local taxes, higher than that at which the same product in an identical size, container and package is being sold contemporaneously by that person to a wholesaler

anywhere in any other state of the United States or in the District of Columbia, or to any state or state agency.

B. Penalties.—

(1) Any violation of subsection A of this Section 7 shall be a misdemeanor punishable as set forth in § 28-3A-25(b)(1) and § 28-3A-26, Code of Alabama 1975, as amended.

(2) In addition to the penalty prescribed in subsection (1) of subsection B of this Section 7, any violation of the provisions of this act subject the licensee to suspension or revocation of its license or to the levy of a fine in lieu of such suspension or revocation as set forth in § 28-3A-24, Code of Alabama 1975, as amended.

SECTION 10: Severability.—The provisions of this act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 11: Repealer.—All laws or parts of laws which conflict or which are inconsistent with this Act are hereby repealed.

SECTION 12: Effective Date.—This Act shall become effective on January 1, 1986.

MOTION IN WRITING

Senator Ellis offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 184, on page 36 of the Sixteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 184, referred to the Standing Committee on Rules for placement on the Consent Calendar.

FURTHER CONSIDERATION OF S. B. 114

The Senate proceeded to further consideration of the Bill, S. B. 114. The question was on the substitute offered by Senator Cabaniss.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Starkey:

H. 183. To authorize the county commissions of the several counties of this state to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in such counties not to exceed two cents (2 cents) per gallon; to provide for the collection and payment of such taxes and to provide the distribution and the use of the funds derived therefrom; to authorize the county commissions of such counties to make reasonable rules and regulations for the collection of such taxes, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the county commissions of such counties for the collection of said taxes and to provide for countywide referendums.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 183. To the Committee on Finance and Taxation.

FURTHER CONSIDERATION OF S. B. 114

The Senate proceeded to further consideration of the Bill, S. B. 114. The question was on the substitute offered by Senator Cabaniss.

Senator Little offered the following amendment to the Cabaniss substitute for the Bill, S. B. 114, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 114

Amend substitute for S. B. 114, page 5, line 24, after Section 6 by deleting existing Section 7 and adding "new" Section 7.

"SECTION 7: Setting of Maximum Prices by Board—

(1) The Board shall have the power to fix maximum wholesale prices for table wine and malt or brewed beverages within each exclusive sales territory for each brand of table wine and malt or brewed beverage.

(2) Each wholesaler shall file with the Board 60 days prior to any change in maximum price, notice of intent to change prices. Before approving any maximum price change, the Board shall hold public hearings relative to the exclusive sales territory or territories affected and hear evidence under oath relative to the prices to be fixed. Notice of such hearings shall be given to interested parties, including consumers, by announcement published in a newspaper having general circulation within the area or areas affected. Such announcement shall appear at least once, not less than 10 days nor more than 30 days prior to the date set for the hearing. Such publication shall be deemed sufficient and legal notice to all persons required by this article to be notified.

(3) The initial maximum prices filed with the Board shall be those wholesale prices in effect 10 days prior to this Act becoming law.

(4) At price hearings, consumers shall be entitled to offer evidence and to be heard the same as persons engaged in the industry. In fixing maximum prices, each Board Member may consider matters within his own knowledge and within the knowledge of the Board as a whole as well as pertinent or related matters occurring in other exclusive sales territories within or outside the state. After conducting such public hearings, the Board may, at its discretion, take under advisement the evidence and matters submitted to it, deliberate in private and render a decision at a later date.

(5) After holding such public hearings, deliberating and making such other investigation deemed advisable and after preparing a written finding of facts, the Board shall issue an official order fixing reasonable maximum prices. Nothing in this Act shall prohibit wholesalers from charging less than the maximum price fixed by the Board.

(6) The Board may, upon its own initiative or upon application, from time to time, amend or revise orders fixing prices, but shall hold a hearing and shall follow the same procedures as required in originally fixing the prices or charges. Such orders may be reviewed by certiorari in the same manner as other orders and regulations of the Board."

QUORUM CALL REQUESTED

At 1:10 P.M., Senator Little requested that the President and Presiding Officer ascertain the presence of a quorum.

On a call of the roll, the following Senators responded to their names:

Senators:	Cabaniss	Goodwin	Mitchem
Aldridge	Corbett	Hand	Parsons
Amari	Dixon	Holmes	Smith (J)
Bedford	Ellis	Little	Strong
Bedsole	Figures	Menton	

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FURTHER CONSIDERATION OF S. B. 114

The Senate proceeded to further consideration of the Bill, S. B. 114. The question was on the Little amendment to the Cabaniss substitute for the Bill, S. B. 114.

MOTIONS IN WRITING

Senator Bedford offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 264, on page 57 of the Sixteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 264, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Bedford then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 254, on page 40 of the Sixteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 254, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Bedford then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 328, on page 105 of the Sixteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 328, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Foshee offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 185, on page 37 of the Sixteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the

Senate ordered said Bill, S. B. 185, referred to the Standing Committee on Rules for placement on the Consent Calendar.

FURTHER CONSIDERATION OF S. B. 114

The Senate proceeded to further consideration of the Bill, S. B. 114. The question was on the Little amendment to the Cabaniss substitute for the Bill, S. B. 114.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Rogers:

H. J. R. 213. Clarifying and expressing legislative intent with regard to House Bill No. 13 to permit horse racing in any Class 1 municipality.

WHEREAS, on March 27, 1984, the Legislature of Alabama enacted a House Bill No. 13 (the "Horse Racing Bill") to authorize horse racing and pari-mutuel wagering thereon in Class I municipalities, subject to the condition that such activities be approved in a referendum held for the voters of the county in which such activities are to be conducted. As advertised pursuant to the requirements of Sections 106 and 110 of the Constitution of Alabama and as originally introduced in the Legislature, the Horse Racing Bill provided for a referendum that would involve only the voters of the Class I municipality that would sponsor horse racing. The Horse Racing Bill was amended in passage to add a new section which provided for a referendum among all voters in the county, as well as among the voters in the sponsoring municipality. The Horse Racing Bill contained a specific severability clause expressing the legislative intent that constitutional infirmities in the provisions for a county-wide referendum should not result in the invalidation of the entire act; and

WHEREAS, the members of the House and Senate of the State of Alabama understand that the Governor is concerned that the severability clause applicable to the county-wide referendum might be invoked in a lawsuit brought for the purpose of restricting referendum to voters in the sponsoring municipality. The severability clause was included for the opposite purpose of protecting the horse racing legislation from a legal attack that might be brought by disappointed opponents after they had lost a county-wide referendum. Due to the fact that the county-wide referendum was not reflected in the notice published with respect to the Horse Racing Bill, and also due to the possibility that the provisions for a county-wide referendum might convert the bill into legislation primarily applicable to a county clearly identified as Jefferson County—as distinguished from a general act applicable to a class of municipalities sanctioned by Section 110 of the Constitution of Alabama—the sponsors of the Horse Racing Bill were apprehensive that the amendment thereto providing for a county-wide referendum would give opponents an opportunity to mount a legal attack against the bill even if it were approved by a majority of the voters in the county; and

WHEREAS, the members of the House and Senate of the State of Alabama hereby state and proclaim their collective intention and understanding that the Horse Racing Bill is to provide for a county-wide referendum on the question of whether horse racing and pari-mutuel wagering thereon will be authorized in the sponsoring municipality, subject to legal permissi-

bility therefor; and whereas, they deplore the possibility of there taking place any legal attack upon such a county-wide referendum, and express their desire, and commit their political and legislative influence to the principle, that the voters of the county in which the sponsoring municipality is located should have an opportunity to approve or disapprove, in a county-wide referendum, the authorization of horse racing and pari-mutuel wagering thereon pursuant to the act resulting from passage of the Horse Racing Bill; and

WHEREAS, a majority of the Senators and Representatives from the sponsoring county of Jefferson have certified to the Governor that this is and was their individual intention with respect to the passage of the Horse Racing Bill; and

WHEREAS, we understand that the Governor has also been informed in writing by the proposed or contemplated developers of the horse racing facility that they also understand and support a county-wide vote on the issue and that they would defend at all times the validity of a county-wide election;

NOW THEREFORE, WE, the Legislature of the State of Alabama, both houses concurring, do hereby resolve, state and proclaim that our collective understanding and intent is that the Horse Racing Bill is to provide for a county-wide referendum of the people of the county in which the sponsoring municipality is located on the question of whether horse racing and pari-mutuel wagering thereon will be authorized in the sponsoring municipality, and we further resolve to commit our political and legislative influence to ensure that the voters in the county in which the sponsoring municipality is located shall have an opportunity to approve or disapprove, in a county-wide referendum, the authorization of horse racing and pari-mutuel wagering thereon, pursuant to the act resulting from passage of the Horse Racing Bill.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Hilliard, the Rules were suspended and the Resolution, H. J. R. 213, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 117. MOURNING THE DEATH OF MR. CYRUS E. NEWMAN, PROMINENT ALABAMA CONSERVATIONIST.

Also:

S. J. R. 119. COMMENDING THE GAMMA OMEGA CHAPTER OF PI KAPPA PHI FRATERNITY AT THE UNIVERSITY OF MONTEVALLO.

Also:

S. J. R. 132. MOURNING THE DEATH OF FORMER STATE

SENATOR JUNIUS J. (JUNIE) PIERCE OF MONTGOMERY,
ALABAMA.

Also:

S. J. R. 142. COMMEMORATING THE DEATH OF DR. MARTIN
LUTHER KING, JR.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 127. COMMENDING MR. AND MRS. HOBART LOVE
ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

S. J. R. 128. COMMENDING DR. WILLIAM K. WEAVER, JUN-
IOR, OF MOBILE, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same here-
with to the Senate:

S. 389. To propose an amendment to Amendment No. 432 of the
Constitution of Alabama of 1901, relating to fire protection districts in Eto-
wah County, so as to provide for the levy and collection of additional prop-
erty tax for fire protection in such districts.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and or-
dered same sent forthwith to the Senate without engrossment:

By Rep. Clark (J):

H. 226. To amend Section 29-4-44 Code of Alabama 1975, which pro-
vides for the employment of secretaries employed for the Presiding Officer
of each house of the Legislature so as to further provide for additional
secretaries.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message

from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 226. To the Committee on Buildings and Grounds.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Campbell and Drake:

H. 407. To authorize the Clerk of the House and the Secretary of the Senate to employ certain legislative personnel.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 407. To the Committee on Buildings and Grounds.

RESOLUTION

Senator Covington offered the following Senate Resolution, to-wit:

S. R. 147. EXTENDING CONGRATULATIONS AND BEST WISHES TO MRS. SAMMIE WILLIAMS OF ROSE HILL, ALABAMA, ON THE OCCASION OF HER 100TH BIRTHDAY.

Which was adopted.

MOTIONS IN WRITING

Senator Cooley offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 438, on page 105 of the Sixteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 438, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Amari offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 145, on page 99 of the Sixteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 145, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Amari then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 399, on page 82 of the Sixteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 399, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 213. Clarifying and expressing legislative intent with regard to House Bill 13 to permit horse racing in any Class 1 municipality.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF S. B. 114

The Senate proceeded to further consideration of the Bill, S. B. 114. The question was on the Little amendment to the Cabaniss substitute for the Bill, S. B. 114.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Seibels, Adams, Albright, Bachus, Beers, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Dutton, Drake, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 214. MOURNING THE DEATH OF MRS. ALYNE LEWIS BIDDLE OF GARDENDALE, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Cabaniss, the Rules were suspended and the Res-

olution, H. J. R. 214, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

FURTHER CONSIDERATION OF S. B. 114

The Senate proceeded to further consideration of the Bill, S. B. 114. The question was on the Little amendment to the Cabaniss substitute for the Bill, S. B. 114.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Lauderdale (With Notice and Proof):

H. 569. To levy a finance charge of ten cents per acre on forest lands located in Winston County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Winston County; to provide for a referendum on the question; and prescribing the procedure for the collection of such assessments.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 569, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 569. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Clark (J):

H. 485. To amend further Section 40-25-23, Code of Alabama 1975, as last amended by Act No. 83-922, S. 10, 1983 Fourth Special Session, approved December 21, 1983, relating to a reallocation of a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and the appropriation of so much of these revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$6,000,000 in aggregate principal amount, so as to specifically cite the act authorizing the issuance of such additional bonds of the State Industrial

Development Authority; and to make this amendment retroactive to December 21, 1983.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 485. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Grimsley and Mathis:

H. 359. To amend Sections 27-43-3, 27-43-6, and 27-43-15, Code of Alabama 1975, relating to legal expense insurance, so as to permit certain persons conducting life, accident and sickness insurance business to transact legal insurance business.

Also:

By Rep. Moore:

H. 588. To amend Section 37-3-4 of the Code of Alabama 1975, relating to motor vehicle carriers as to exempt motor vehicle carriers transporting coke from regulation by the public service commission.

Also:

By Reps. Starr, Hooper, Mikell, Buskey (John), Holmes, and McKee:

H. 578. To exempt George Lindsey Celebrity Benefit, Inc., and the Alabama Special Olympics or any predecessor organizations or entities, from the payment of all state, county and municipal sales and use taxes.

Also:

By Rep. Zoghby:

H. 142. To provide for payment of examination fees by credit unions.

Also:

By Reps. Holley and Johnson (Roy):

H. 456. This bill amends Section 34-30-22, Code of Alabama 1975, which provides for the qualifications of applicants for licensed social workers, so as to provide further for said qualifications.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 359 and 142. To the Committee on Banking and Insurance.

H. B. 588. To the Committee on Commerce, Transportation, and Utilities.

H. B. 578. To the Committee on Buildings and Grounds.

H. B. 456. To the Committee on Education.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Holmes, Kennedy, Buskey (James), Rogers, Horn, Buskey (John), Bryant, Clark (W), Black, McDowell, Melton, Spratt, Davis, Escott, and Thomas:

H. 266. To amend Section 1-3-8 of the Code of Alabama 1975, relating to observance of state holidays, so as to provide further for such holidays.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 266. To the Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Johnson (Roy):

H. 598. To provide that the department of economic and community affairs shall be the administrative state agency for contracts for sales of certain state property heretofore administered by the finance department; to provide for orderly transfer of certain properties and funds from the finance department to the department of economic and community affairs; to authorize the department of economic and community affairs to prescribe procedures, rules, and regulations for the administration of such contracts; to provide for collection of certain administrative fees associated with such contracts; to provide that said department shall be designated as the state agency for distribution of federally donated surplus property; to prescribe penalties for violations of this act; to provide for certain personnel for the department of economic and community affairs, and to specifically repeal Article 5, Chapter 16, Title 41, of the Code of Alabama, 1975.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message

from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 598. To the Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Coleman, Dutton, and Newman:

H. 379. To require city and county boards of education, the State Board of Education, the Department of Youth Services, the Alabama Institute for Deaf & Blind and the governing boards of Alabama's public senior universities to provide vehicle liability insurance to cover personal liabilities of moving vehicle accidents for bus drivers or any employee required to transport pupils.

Also:

By Reps. Davis, Rogers, Nicholson, Pratt, Escott, Horn, Spratt, Tanner, Goodwin, Lauderdale, Clark (D), Seibels, Hall, Reed, McDowell, Grayson, Brakefield, Parker, Kennedy, Bugg, Crow, Gray, Warren, Thomas, Preuitt, Grimsley, Junkins, Blake, Browder, Carothers, Bryant, Boles, Melton, McNair, Dutton, Bowling, Rains, Hettinger, Trammell, Poole, Moore, Albright, Buskey (John), Burke, Payne, Mathis, Faulk, Hooper, Starr, Biddle, Buskey (James), Holmes, White (G), Beers, White (L), and Clark (W):

H. 625. To create the Alabama Indian Affairs Commission; to provide for its duties and membership; to provide the method of appointment and compensation of said members; and to repeal Sections 41-9-700 through 41-9-707, Code of Alabama 1975.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 379. To the Committee on Banking and Insurance.

H. B. 625. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Gray, Spratt, Pratt, Davis, Rogers, Perdue, Beers, White (G), Payne, Bachus, Biddle, and McDowell (With Notice and Proof):

H. 288. To further amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama of 1951, pp. 1579 et seq.), as heretofore amended, including an extensive amendment by Act No. 1272 of the Regular Session of the Legis-

lature of Alabama of 1973 (Acts 1973, page 2124), which said Act, as heretofore amended, is entitled "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last of any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system applicable on and after September 1, 1969, to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for certain employees of a Civic Center Authority in any county in which such city may be located," so as to provide that both officers participating in the System as well as all other Participants shall be eligible to receive a deferred retirement benefit and said deferred retirement benefit shall vest in favor of the officer or Participant upon the completion of at least sixteen (16) years of Credited Service.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 288, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 288. To the Committee on Local Legislation No. 2.

MOTION TO ADJOURN

Senator Parsons moved that when the Senate adjourns today, it adjourn to meet again on Friday, April 6, 1984, at 12:01 A.M., which motion was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Clark (J):

H. 483. To amend Section 40-23-4 of the Code of Alabama 1975, as heretofore amended, which provides for certain exemptions from sales taxes, so as to exempt from sales taxation the gross proceeds from sales of admissions to certain national championship sporting events that are held in the State of Alabama and hosted by not for profit corporations organized and existing under the laws of the State of Alabama.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 483. To the Committee on Education.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Hall, Butler, Grouby, Browder, Blake, Bryant, Payne, Junkins, Thomas, Martin, Turner, Moore, Bowling, Smith, Warren, Laird, Holmes, Crow, Kvalheim, Boles, Trammell, Starkey, Cosby, Harper, Turnham, Blakeney, Drake, Brooks, Harvey, Richardson, Coleman, Clark (W), Penry, Rice, Gaston, Mathis, Tanner, Rogers, McKee, Davis, Perdue, McDowell, Kennedy, Brakefield, Mitchell, Buskey (John), Holley, Bugg, Johnson (Roy), McMillan, Biddle, Faulk, Marietta, Parker, Pratt, Gray, Newman, Dutton, Horn, Adams, Grimsley, Escott, Rains, Buskey (James), Black, Starr, Venable, Lauderdale, White (L), Carter, Melton, Campbell, Burke, Onderdonk, Flowers, Grayson, Mikell, Hettinger, Carothers, Albright, Spratt, Box, Clark (D), Johnson (R.G.), Poole, Zoghby, Preuitt, Fuller, Lindsey, and Hooper:

H. 250. To amend Section 40-9-13 of the Code of Alabama 1975, relating to exemptions from taxation, so as to exempt, among others, the Annual Shrine Circus as well as all other charitable Shrine amusement and fund raising events from all license fees and charges including any privilege and excise tax levied by the state or any county or municipality; and to provide that such charitable Shrine amusement and fund raising events shall be subject to all the provisions of Section 40-9-12 of the Code of Alabama 1975.

Also:

By Reps. Smith, Richardson, Clark (J), and Starr:

H. 558. To amend Section 2-3-20, Code of Alabama (1975); to provide for farmers' market facilities throughout this State for the efficient handling and sale of agricultural and agriculture related products; to create a certain farmers' market committee to advise on matters pertaining to such facilities; to prescribe the composition of such committee and the terms, duties, meetings, regulations and compensation of its membership; to prescribe punishment for violators of regulations adopted pursuant to this Act.

Also:

By Reps. Smith, Richardson, Clark (J), and Starr:

H. 554. To allow the Governor, the Director of Finance and the Commissioner of Agriculture and Industries to organize a public corporation for the purpose of issuing bonds or other debt securities to be used for constructing and maintaining an agricultural market facility and to renovate the existing Garrett Coliseum and other buildings on the Coliseum grounds; to provide procedures for the organization of said corporation; to set out powers of the corporation; to authorize the issuance of up to \$6,000,000 in securities, which shall be special obligations of the corporation, payable from specified sources and which shall not be obligations or debts of any

kind of the State; to provide that not more than 60% of the proceeds of sale of such securities may be expended for the construction of an agricultural market facility and not more than 40% of such proceeds may be expended for renovation of the Coliseum and other buildings on the Coliseum grounds; to provide for methods of executing and selling such securities and for paying the principal of and any premium and interest on such securities; to provide that the monies realized from leases paid by the public for use of the market, after expenses incurred in operating the market are deducted, may be pledged and used to defray the cost of 60% of the securities; to provide that the monies obtained from the public for rents and other receipts realized from use of the Coliseum, after expenses incurred in operating the Coliseum are deducted, may be pledged and used to defray the cost of 40% of the securities; and to provide that, if all of the above funds are insufficient, then to pledge monies received from fees, licenses, permits, fines and penalties collected by the Department of Agriculture and Industries and paid into the agricultural fund, for the payment of the principal of and any premium and interest on the securities; to provide that any monies received from the sale of the securities shall only be used to construct, acquire and equip an agricultural market facility, and for renovation of the Coliseum and other buildings located on the Coliseum grounds; to provide that the State Board of Agriculture and Industries shall construct the market under the guidance of the State Building Commission; to provide that the Agricultural Center Board shall be responsible for renovation of the Coliseum and other buildings on the Coliseum grounds; to provide for the refunding of the securities and procedures for the deposit, investment and disposition of proceeds of sale of the securities; to provide for limitation of any action to contest the validity of the securities; to provide that the securities are legal investments and that the securities of the corporation and any premium and interest thereon, the property and income of the corporation, and any public filings by it are exempt from taxation; and to provide for dissolution of the corporation.

Also:

By Rep. Ford:

H. 93. To amend Section 5-18-11 of the Code of Alabama 1975 relating to books, accounts and records of licensees under the Alabama Small Loan Act so as to provide further for annual reports of such licensees.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 250. To the Committee on Finance and Taxation.

H. B.'s 558 and 554. To the Committee on Agriculture, Conservation, and Forestry.

H. B. 93. To the Committee on Consumer Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Dutton (With Notice and Proof):

H. 496. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Lawrence County and to provide for the use of such fees.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 496, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Ford (With Notice and Proof):

H. 531. Relating to Etowah County, requiring the county to continue paying health insurance premiums for a certain period of time for certain employees laid off due to insufficient funds.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 531, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Penry (With Notice and Proof):

H. 597. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Gulf Shores in Baldwin County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 597, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Bugg and Junkins (With Notice and Proof):

H. 620. Relating to Etowah County; authorizing certain county health officers or administrators to issue official death certificates, levy and collect fees therefor; and providing for the distribution of such revenues for county health purposes.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 620, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Bugg and Junkins (With Notice and Proof):

H. 622. Relating to Etowah County; authorizing certain county offi-

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cials to use mechanical or facsimilie devices for signatures on warrants or checks drawn on the county treasury or depository.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 622, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Blake (With Notice and Proof):

H. 643. Relating to St. Clair County; providing for the filing for record and the preservation of all orders and decrees made and entered by any judge of the circuit court in St. Clair County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 643, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 496, 531, 597, 620, 622, and 643. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Buskey (John):

H. J. R. 203. COMMENDING ST. PETER'S CATHOLIC CHURCH, MONTGOMERY, ALABAMA, ON THE OCCASION OF ITS SESQUICENTENNIAL, FOR ITS OUTSTANDING CONTRIBUTIONS TO THE COMMUNITY AND STATE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Langford, the Rules were suspended and the Resolution, H. J. R. 203, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Carter, Butler, and Drake:

H. J. R. 195. URGING THE UNITED STATES POSTAL SERVICE TO RESCIND ITS SUSPENSION OF OPERATIONS OF THE MOORESVILLE, ALABAMA, POST OFFICE.

WHEREAS, the post office in the Town of Mooresville, Alabama, established in 1819, is the oldest post office in the State of Alabama; the current structure was built in 1850 and is registered, along with the entire town, in the National Register of Historic Places in Washington, D. C.; and

WHEREAS, the residents of Mooresville, on March 28, 1984, received notification from SCM/Postmaster J. N. Lindstrom in Huntsville, Alabama, that the post office building would be "temporarily" closed, effective April 7, 1984, while a study was being made as to the feasibility of repairing the present structure and as to other service alternatives; and

WHEREAS, U. S. Code Section 404(B) however provides that at least 60 days' notice be given a community prior to the determination to close a post office, with said code section making no distinction between a "temporary" or "permanent" closing; and

WHEREAS, not only is the decision of the U. S. Postal Service to suspend operations in Mooresville apparently contradictory to said Section 404(B) of the U. S. Code, but the provisions for interim service for the citizens of Mooresville are totally unacceptable in terms of safety, convenience and expense to the residents of Mooresville; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most strongly urge the U. S. Postal Service to rescind its suspension of operations of the Mooresville, Alabama, Post Office.

BE IT FURTHER RESOLVED, That we would respectfully request the Postal Service to allow the Mooresville post office to remain open while necessary repairs are being made to upgrade any deficiencies and thereby remove any justification for suspension of operations, either temporarily or permanently.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Alabama's Congressional Delegation, to the U. S. Postal Service and to Postmaster Lindstrom in Huntsville.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 195, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Cosby, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn,

Coleman, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby:

H. J. R. 196. WISHING MRS. MILDRED GRIFFEN A SPEEDY RECOVERY.

Also:

By Reps. Cosby, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L), and Zoghby:

H. J. R. 197. WISHING MRS. MARY HOLLEY A SPEEDY RECOVERY.

Also:

By Reps. Newman, Black, and Cosby:

H. J. R. 206. COMMENDING MR. JAMES P. HOMER FOR OUTSTANDING CONTRIBUTIONS TO LIVINGSTON UNIVERSITY.

Also:

By Reps. Moore and Tanner:

H. J. R. 207. COMMENDING MISS TERESA LYNN CHAPPELL OF STERRETT, ALABAMA, MISS ALABAMA USA TEEN.

Also:

By Rep. Mikell:

H. J. R. 208. COMMENDING MISS HEATHER BRYANT OF COOSADA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Gaston:

H. J. R. 209. COMMENDING JOHN SHAW HIGH SCHOOL, MOBILE, ALABAMA, ON THE 20TH ANNIVERSARY OF ITS FOUNDING.

Also:

By Rep. Holley:

H. J. R. 210. COMMENDING THE ENTERPRISE HIGH SCHOOL "WILDCAT" BAND.

Also:

By Rep. Holley:

H. J. R. 211. COMMENDING THE ELBA HIGH SCHOOL "MARCHING TIGER" BAND.

JOHN W. PEMBERTON,
Clerk.**HOUSE MESSAGE**

On motion of Senator Goodwin, the Rules were suspended and the Resolution, H. J. R. 196, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

The Resolutions, H. J. R.'s 197, 206, 207, 208, 209, 210, and 211, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Grouby:

H. 125. Relating to the further regulation of liquefied petroleum gas and the powers, duties and authority of the liquefied petroleum gas board and appointees and employees thereof; to amend Sections 9-17-100, 9-17-102, 9-17-103, 9-17-104, 9-17-105, 9-17-106 and 9-17-109 of the Code of Alabama 1975; and to provide penalties for violations.

Also:

By Rep. White (L):

H. 58. To provide for charges that may be made for bad checks given in payment to lenders of money or extenders of credit; to provide that such charges shall not be deemed interest, finance or other charges that are limited or restricted by law; to provide that this act shall be included in the Code of Alabama 1975 as Section 8-8-15 of said code.

Also:

By Reps. Lindsey, Smith, Grimsley, Preuitt, Richardson, Dutton, Butler, Burke, Moore, Carter, and Mathis:

H. 471. To provide for the registration of certain persons skilled in the repair, servicing or installing commercial weighing and measuring devices, thereby allowing the removal of condemned tags placed on said devices for the purpose of repair, by said registered service persons or scale mechanics; to authorize the promulgation of rules and regulations by the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries; to provide for yearly registration and renewal upon the payment of \$25.00; to provide for procedures to be fol-

lowed for revocation, suspension or refusing to renew the registration or refusing to initially register; to provide for hearing before the Commissioner of Agriculture and Industries and appeals before the State Board of Agriculture and Industries.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 125. To the Committee on Small Business.

H. B. 58. To the Committee on Judiciary.

H. B. 471. To the Committee on Consumer Affairs.

FURTHER CONSIDERATION OF S. B. 114

The Senate proceeded to further consideration of the Bill, S. B. 114. The question was on the Little amendment to the Cabaniss substitute for the Bill, S. B. 114.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 214. MOURNING THE DEATH OF MRS. ALYNE LEWIS BIDDLE OF GARDENDALE, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill and Senate Joint Resolutions with the original Senate Bill and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. J. R. 117. MOURNING THE DEATH OF MR. CYRUS E. NEWMAN, PROMINENT ALABAMA CONSERVATIONIST.

Also:

S. J. R. 119. COMMENDING THE GAMMA OMEGA CHAPTER

OF PI KAPPA PHI FRATERNITY AT THE UNIVERSITY OF MONTEVALLO.

Also:

S. J. R. 127. COMMENDING MR. AND MRS. HOBART LOVE ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

S. J. R. 128. COMMENDING DR. WILLIAM K. WEAVER, JUNIOR, OF MOBILE, ALABAMA.

Also:

S. J. R. 132. MOURNING THE DEATH OF FORMER STATE SENATOR JUNIUS J. (JUNIE) PIERCE OF MONTGOMERY, ALABAMA.

Also:

S. J. R. 142. COMMEMORATING THE DEATH OF DR. MARTIN LUTHER KING, JR.

Also:

S. 389. To propose an amendment to Amendment No. 432 of the Constitution of Alabama of 1901, relating to fire protection districts in Etowah County, so as to provide for the levy and collection of additional property tax for fire protection in such districts.

CHARLES BISHOP,
Chairperson.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions and Bill, the titles of which are set out in the foregoing report from the Committee on Rules.

IN MEMORIAM

SENATOR JUNIUS J. (JUNIE) PIERCE

1905 - 1984

ALABAMA SENATE

1967 - 1975

FURTHER CONSIDERATION OF S. B. 114

The Senate proceeded to further consideration of the Bill, S. B. 114. The question was on the Little amendment to the Cabaniss substitute for the Bill, S. B. 114.

MOTION RECONSIDERED

On motion of Senator Parsons, the Senate reconsidered the vote by which the motion to adjourn until Friday, April 6, 1984, at 12:01 A.M. was adopted.

On motion of Senator Little, the motion to adjourn until Friday, April 6, 1984, at 12:01 A.M. was laid on the table.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 117

S. J. R. 119

S. J. R. 127

S. J. R. 128

S. J. R. 132

S. J. R. 142

Delivered to the Governor, April 5, 1984, at 5:35 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 5:45 P.M., on motion of Senator Little, and pending further consideration of S. B. 114, the Senate adjourned until Tuesday, April 10, 1984, at 2 o'clock P.M.

SEVENTEENTH LEGISLATIVE DAY**TUESDAY, APRIL 10, 1984**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by Doctor Chester H. Jernigan, Pastor, Forest Park Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Mary Lynn Baynes, Tallassee High School, Tallassee, Alabama.

ROLL CALL

Present:

Senators:	Cabaniss	Figures	Mitchem
Aldridge	Cooley	Foshee	Parsons
Amari	Corbett	Goodwin	Pearson
Bailey	Covington	Hand	Sanders
Barron	deGraffenried	Hilliard	Smith (B)
Bedford	Denton	Holmes	Smith (J)
Bedsole	Dial	Langford	Strong
Bennett	Dixon	Little	Teague
Bishop	Ellis	Menton	

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JOURNAL

On motion of Senator Teague, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Sixteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Sixteenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator Teague, leave of absence was granted Senator Drinkard for today.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Smith (J):

S. 538. To amend Chapter 17 of Title 27, Code of Alabama 1975, by adding a new section to modify the method of calculating reserves on burial insurance policies.

Committee on Banking and Insurance.

By Senator Menton (With Notice and Proof):

S. 539. To amend further Section 5 of Act No. 470, H. 952, 1939 Regular Session of the Legislature, (Local Acts 1939, p. 298), as amended by Act No. 684, H. 594 of the 1976 Regular Session (Acts 1976, p. 939), relating to the citizens supervisory committee for the Civil Service System for Mobile County, so as to provide further for such committee and to amend Section 30 of said Act No. 470 so as to provide further for the expense of the personnel department for such system.

Committee on Local Legislation No. 3.

I hereby certify that the notice and proof is attached to the Bill, S. B. 539, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Amari:

S. 540. Relating to sales representatives; requiring written contracts between sales representatives and principals when commissions are involved; requiring the principal to furnish the representative with a signed copy of the contract; providing for the payment of commissions upon termination of certain agreements; providing for civil damages; providing an effective date.

Committee on Small Business.

By Senator Teague (With Notice and Proof):

S. 541. Relating to Coosa County; legalizing the sale of draft or keg beer or malt beverages; and repealing conflicting laws.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 541, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senators deGraffenried, Goodwin, Foshee, and Holmes:

S. 542. To amend Section 40-20-2, Code of Alabama 1975, so as to provide certain exemptions for occluded natural gas produced from coal seams.

Committee on Industrial Expansion,
Economic Growth, and Jobs.

By Senator Teague:

S. 543. To amend Section 27-4-2, Code of Alabama 1975, which directs the Commissioner of Insurance to collect in advance certain fees, licenses and miscellaneous charges, by increasing said fees, licenses and miscellaneous charges, charging an application fee for resident and non-resident life and disability agents, establishing an Insurance Regulatory Trust Fund for the payment of the direct and indirect expenses of the Insurance Department, authorizing the investment of available monies of the Insurance Regulatory Trust Fund by the agency having the constitutional or statutory power to make investments and reinvestments for and in behalf of any state agency, requiring that all earnings derived from such investments be paid into the Insurance Regulatory Trust Fund, requiring that any cash balance in the Insurance Regulatory Revolving Trust Fund after the conclusion of the current fiscal year be carried forward in the same fund for the next succeeding fiscal year and each fiscal year thereafter, authorizing the state's chief fiscal officer to transfer monies from funds of the State Treasury to the Insurance Regulatory Revolving Trust Fund should that fund incur a deficiency, requiring that any monies so transferred be repaid before the conclusion of the fiscal year in which the transfer is made, and allowing the Insurance Department's expenses to be paid by appropriations from the state general fund with repayment to the state general fund being made before the end of the next fiscal year.

Committee on Banking and Insurance.

By Senator Bennett (With Notice and Proof):

S. 544. Relating to Jefferson County; providing further for the cost and charges in all district court cases and providing for the establishment of a Family Court Probation Fund in the county and the distribution of such funds.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 544, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Bennett and Cabaniss:

S. 545. To further provide for income tax deductions for corporations donating real or personal property to the State of Alabama.

Committee on Finance and Taxation.

By Senator Hand:

S. 546. To amend Section 36-26-17, Code of Alabama 1975, which relates to state employees' merit system and the method of filling vacancies, so as to exempt the Revenue Department from certain provisions.

Committee on Governmental Affairs.

By Senator Bennett (With Notice and Proof):

S. 547. Relating to Jefferson County; providing for the reclassification of the rank of Probation Officer and for a uniform compensation schedule

for all Probation Officers in the Family Court in said county; and providing for retroactive effect.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 547, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Barron:

S. 548. To amend Section 40-2-64, Code of Alabama 1975 so as to remove the limitation of the number of assistant counsels which may be appointed to transact the legal business of the Department of Revenue.

Committee on Judiciary.

By Senator Corbett:

S. 549. To amend section 32-5A-191, Code of Alabama 1975, relating to offenses and penalties for driving under the influence and suspension of drivers licenses, so as to provide that judges in DUI cases shall have discretionary authority to issue a restrictive drivers license for limited driving purposes to persons upon a first conviction of driving under the influence of alcohol or controlled substances.

Committee on Judiciary.

By Senator Corbett:

S. 550. To exempt Dixie Youth Baseball in Russell County from all state and local sales and use taxes.

Committee on Finance and Taxation.

By Senator Teague:

S. 551. To amend Section 34-22-40, Code of Alabama 1975, which establishes the Alabama board of optometry, so as to provide further for the terms of office of the members of said board.

Committee on Buildings and Grounds.

By Senator Amari (With Notice and Proof):

S. 552. To amend Article VII of Act No. 1272 of the Regular Session of the Legislature of Alabama of 1973, said Article relating to loans to participants, repayment of loans, and life insurance, said Article to be amended in full, said Article to be amended to provide that participant loans shall be repaid in a period of forty-eight months or less from the date of such loan, and to provide that interest be charged on such loans in such amount as may be determined in the discretion of the Board but not more than seven (7) percent per annum.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 552, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 202. To authorize the Public Service Commission to grant intra-state charter rights to any common carrier of passengers by motor vehicle regardless if such common carrier holds and operates regular route authority.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. McNair:

H. J. R. 215. NAMING H. B. 13 OF THE REGULAR SESSION 1984 THE "JOHN ROGERS ACT."

WHEREAS, Representative John Rogers of Birmingham, Alabama, worked diligently for and was instrumental in the support and passage of House Bill 13 of the 1984 Regular Session, which authorizes horse racing and pari-mutuel wagering thereon in Class 1 municipalities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the act which House Bill 13 of the 1984 Regular Session becomes shall be and the same is hereby named "the John Rogers Act."

RESOLVED FURTHER, That a copy of this resolution be presented to Representative Rogers.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H.J.R. 215, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Faulk, Smith, and Blakeney:

H. 431. To amend Section 2-15-133 which requires licensed livestock dealers to be covered by a bond or bond equivalent in amounts equal to purchases of livestock but in no amount less than \$10,000; to require the filing of verified financial statements; to require full payment of livestock not later than the close of the next business day; to exempt livestock dealers from the requirements of a bond or bond equivalent if they pay for livestock

with United States currency, money orders or certified or cashier's checks at the time of purchase.

Also:

By Reps. Tanner and Moore:

H. 404. To further reapportion House District 40 and House District 41 of the Alabama legislature based upon the 1980 census.

Also:

By Rep. Johnson (Roy):

H. 256. Relating to the corporate powers of health care authorities now or hereafter organized or re-incorporated under the provisions of Act No. 82-418, 1982 Regular Session (Article 11 of Chapter 21 of Title 22 of the Code of Alabama 1975, as amended); to empower any such health care authorities to provide certain health care services to persons (whether or not at health care facilities) and in connection therewith to make available to such persons certain health-care equipment, to acquire, own and operate certain day-care and similar facilities, to lend moneys to others (subject to certain conditions), to cause to be organized one or more affiliated public or not-for-profit corporations (or both) and to exercise corporate powers or functions through any such affiliated corporation (subject to certain conditions and limitations), to make available to any such affiliated corporation certain health care facilities, funds, moneys and similar assets, to provide certain services and to make available certain free or below-cost office space to health-care professionals (subject to certain conditions), and to issue securities without limit as to source of payment; and to provide that the grant of certain of such powers is declarative of existing law.

Also:

By Reps. Carothers, Johnson (R.G.), Richardson, Smith, Mathis, and Grimsley:

H. 74. To repeal Sections 2-13-82, 2-13-83, 2-13-85 and 2-13-88, Code of Alabama 1975, which requires milk producers and processors to obtain a joint permit from the State Board of Health and the County Boards of Health in order to do business in Alabama.

Also:

By Reps. Smith, Johnson (Roy), Holley, Poole, and Mitchell:

H. 141. To amend Section 16-1-18, Code of Alabama 1975, relating to school bus drivers and certain full-time support personnel employed by the boards of control of city and county school systems and the Alabama Institute for Deaf and Blind, so as to provide further for the maximum accumulated days not utilized or being paid for sick leave.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 431. To the Committee on Agriculture, Conservation, and Forestry.

- H. B. 404. To the Committee on Governmental Affairs.
- H. B. 256. To the Committee on Health and Welfare.
- H. B. 74. To the Committee on Small Business.
- H. B. 141. To the Committee on Education.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Johnson (Roy):

H. 410. To amend Section 8-8-5, Code of Alabama 1975, relating to loans or credit sales to which usury laws do not apply, so as to reduce the amount on which interest may be negotiated notwithstanding any other law to the contrary.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

- H. B. 410. To the Committee on Banking and Insurance.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Warren:

H. 444. To amend Section 9-13-11, Code of Alabama 1975, which relates to the willful and malicious burning of woodlands, so as to provide further for the definition of paraphernalia used in arson.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

- H. B. 444. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Kennedy, Gaston, Clark (W), Buskey (James), and Box:

H. 309. To reopen the State of Alabama retirement systems for certain military service; to provide that as a prerequisite to obtaining such credit, said members must be active and contributing members of any of the State of Alabama retirement systems; to provide for the payment by the members of such service; and to provide for its termination.

Also:

By Rep. Carothers:

H. 314. To amend Section 9-11-54, Code of Alabama 1975, relating to fishing licenses for totally disabled persons, so as to provide for hunting or fishing licenses for totally disabled persons; to omit the license fee; to provide that licenses issued shall be on a continuous basis; to provide that holders may be required to obtain recertification of disability; to provide for the voiding of licenses of holders failing to obtain said recertification; to increase the issuing fee; and to provide that the issuing fee shall be paid into the county treasury under certain circumstances.

Also:

By Reps. Smith and Parker:

H. 44. To amend Section 36-7-20 of the Code of Alabama 1975 so as to further provide that the per diem travel allowance for employees stationed at the same place in the state for a period in excess of two consecutive months shall be reduced to an amount equal to \$5.00 less than the regular per diem allowance fixed by the governor.

Also:

By Reps. Starr and McKee:

H. 61. Relating to the uniform commercial code; to amend Section 7-9-403, Code of Alabama 1975, to exempt mobile homes from being subject to the limitation of filing a continuation statement five years after filing a financing statement on a perfected security interest.

Also:

By Rep. Mitchell:

H. 477. To amend Sections 40-9-19 and 40-9-21, Code of Alabama 1975, which provides for ad valorem tax exemptions, so as to provide further for the homestead provision for persons 65 years old or older.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 309. To the Committee on Military Affairs.

H. B.'s 314 and 477. To the Committee on Aging.

H. B. 44. To the Committee on Governmental Affairs.

H. B. 61. To the Committee on Commerce, Transportation, and Utilities.

RESOLUTIONS

Senator deGraffenried offered the following Senate Joint Resolution, to-wit:

S. J. R. 148. AMENDING ACT NO. 83-339, S. J. R. 47, 1983 REGULAR SESSION, WHICH CREATED A JOINT INTERIM LEGISLATIVE COMMITTEE ON THE ARTS AND HUMANITIES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 83-339, S. J. R. 47, 1983 Regular Session, is hereby amended to read as follows, viz:

“WHEREAS, the Legislature of Alabama notes that there is a growing recognition among Alabama citizens that the performing, visual and literary arts are important to the quality of life of every person, the cultural environment of our communities, the vitality of our cities and to the developing economy of the state; and

“WHEREAS, citizen demand for arts experiences has generated public and private support for the arts, creating a beneficial cultural and economic impact on the state; and

“WHEREAS, a 1981 statewide study has revealed great citizen interest in incorporating arts into the regular curriculum of our public schools; and

“WHEREAS, a 1982 study has revealed the arts to be of great economic impact providing millions of dollars in revenue and providing many jobs; and

“WHEREAS, the 1982 Regular Session of the Alabama Legislature passed legislation permitting Alabama taxpayers to designate a portion of their refund to the Arts Development Fund; now therefore,

“BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an Interim Committee on the Arts and Humanities, to meet and to report to the Legislature by the fifth legislative day of the 1986 Regular Session on the state of the Arts and Humanities as investigated by the Committee. Upon request of the Chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as the Committee's work may require. The Committee shall be composed of the two members from both houses who currently serve on the Arts Task Force of the National Council of State Legislatures and three other committee members from each house to be appointed by the Lieutenant Governor and the Speaker of the House of Representatives. The President and the President Pro Tempore of the Senate and the Speaker (and the Speaker) Pro Tempore of the House shall be ex officio members of the Committee.

“The purpose of this interim committee shall be to study the matter set forth below and such other matters as it may deem appropriate to improve the environment of the state through the encouragement and expansion of the arts. Those specific matters shall be:

- “1. The appropriate level of state support for the arts;
- “2. The level of demand for the arts;
- “3. Methods to promote demand for the arts to increase employment for artists and income for arts organizations;
- “4. The place of arts in education;

"5. The role of government in supporting the arts versus the role of the private sector;

"6. The involvement of minorities in the arts;

"7. The need for interim, standing or joint committees on the arts;

"8. Alternate approaches to supporting the arts;

"9. The use of public buildings in non-peak hours for arts activities;

"10. The need for art in public places;

"11. The availability and accessibility of the arts to all citizens.

"BE IT FURTHER RESOLVED, That the Interim Committee will study in general the way that public dollars are being invested in the arts so that these monies are multiplied as significantly as possible; and that the final report of the Committee, along with findings and recommendations, shall be submitted to each member of the Legislature no later than the fifth Legislative day of the 1986 Regular Session. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Total expenditures of the committee shall not exceed \$10,000.00."

On motion of Senator deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Little, Dixon, Corbett, deGraffenried, and Bedsole offered the following Senate Joint Resolution, to-wit:

S. J. R. 149. COMMENDING GOVERNOR JOHN M. PATTERSON UPON HIS APPOINTMENT TO THE ALABAMA COURT OF CRIMINAL APPEALS.

WHEREAS, the Legislature of Alabama notes with great pleasure the appointment by Governor George Wallace of former Governor John M. Patterson to the Alabama Court of Criminal Appeals; and

WHEREAS, a native of Tallapoosa County, John Patterson served in the United States Army during World War II and again from 1951 to 1953; his service included duty in South Africa, Sicily, Italy, France and Germany; and

WHEREAS, he attended the University of Alabama, majoring in Political Science; in 1949 he was awarded the LL.B. degree from the University's School of Law and that same year was admitted to the Bar; and

WHEREAS, Governor Patterson, whose term as Chief Executive from 1959 to 1963 was preceded by a term as State Attorney General, is a distinguished Alabama jurist and has been engaged in the private practice of law in Montgomery for some 20 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in highest commendation, we congratulate the Honorable John M. Patterson on his Appellate Court appointment and direct that a copy of this resolution be forwarded to him in expression of our sincere regard and of our extreme pleasure than an individual of his calibre ascends to the Bench.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 150. COMMENDING MR. GARY WAYNE LAWSON OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

S. R. 151. COMMENDING MS. ELIZABETH W. WALLACE OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Which were adopted.

Senator Corbett offered the following Senate Resolutions, to-wit:

S. R. 152. COMMENDING MISS PAIGE HOFFMAN, 1984 RODEO QUEEN.

Also:

S. R. 153. COMMENDING MISS DEBRA ANN ZALEWA OF RUSSELL COUNTY, ALABAMA.

Which were adopted.

Senator Figures offered the following Senate Joint Resolution, to-wit:

S. J. R. 154. COMMENDING C. F. VIGOR HIGH SCHOOL, PRICHARD, ALABAMA.

WHEREAS, The Alabama Legislature notes with extreme pride and pleasure the inclusion of C. F. Vigor High School, Prichard, Alabama, among 263 schools, including 149 senior high schools, to compete as finalists in a process to identify the top public schools in America; and

WHEREAS, it is to be noted that the schools named by United States Education Secretary Bell, as finalists, were among 555, nationwide, recommended by state school superintendents, and these select schools will be further scrutinized by visiting selection teams composed of non-government officials before final designations of excellence are made in July 1984; and

WHEREAS, the Mobile County Board of Education, as well as the faculty and staff of Vigor High School are indeed to be commended for their leadership and dedicated efforts on behalf of quality public school education in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most highly commend C. F. Vigor High School and the Mobile County Board of Education for outstanding accomplishment, and for the signal honor they have brought to their community and to the entire State of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for Vigor High School and for the Mobile County Board of Education.

On motion of Senator Figures, the Rules were suspended and the Resolution was adopted by the Senate.

MOTIONS IN WRITING

Senator Denton offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 397, on page 112 of the Seventeenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 397, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Denton then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 363, on page 82 of the Seventeenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 363, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Dial offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 472, on page 106 of the Seventeenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 472, referred to the Standing Committee on Rules for placement on the Consent Calendar.

REPORTS OF COMMITTEES

Senator Foshee, Chairperson of the Standing Committee on Buildings and Grounds, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Foshee and Teague:

S. 537. To amend Section 32-6-6, Code of Alabama 1975, relating to the contents of a driver's license, so as to provide for a standard sized driver's license and nondriver identification card, to levy an additional fee for the issuance of said standardized license and card and to provide for the disbursement of said money.

By Rep. Clark (J):

H. 226. To amend Section 29-4-44 Code of Alabama 1975, which provides for the employment of secretaries employed for the Presiding Officer of each house of the Legislature so as to further provide for additional secretaries.

Senator Foshee, Chairperson of the Standing Committee on Buildings and Grounds, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Covington (With Substitute):

S. 457. To further amend Section 11-54-120, Code of Alabama, 1975, respecting Industrial Development Boards to include as an Ancillary Facility, facilities which shall be suitable for use by any non-profit civic organiza-

tion one of the purposes or objects of which is the promotion of participation by the public in public service affairs.

Senator Foshee, Chairperson of the Standing Committee on Buildings and Grounds, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Starr, Hooper, Mikell, Buskey (John), Holmes, and McKee:

H. 578. To exempt George Lindsey Celebrity Benefit, Inc., and the Alabama Special Olympics or any predecessor organizations or entities, from the payment of all state, county and municipal sales and use taxes.

By Reps. Campbell and Drake:

H. 407. To authorize the Clerk of the House and the Secretary of the Senate to employ certain legislative personnel.

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Senator Barron:

S. 50. To authorize the State Health Department to establish a training program for persons interested in qualifying to perform soil percolation tests and soil borings. Further authorizing the Health Department to charge necessary registration fees for attending the course, to help offset any expenses. To further authorize members of the County Health Departments to assist in performing tests and to charge a fee to recover the actual expenses incurred.

By Senator Barron:

S. 191. To amend Section 5-18-11 of the Code of Alabama 1975 relating to books, accounts and records of licensees under the Alabama Small Loan Act so as to provide further for annual reports of such licensees.

By Senator Cabaniss:

S. 90. To amend Section 36-19-24 of the Code of Alabama 1975, relating to reports of fire losses on all property insured within the state so as to require such reports only on those fire losses where the loss exceeds the amount of \$500.00.

By Senator Little:

S. 190. To amend Section 32-5A-154, Code of Alabama 1975, which prohibits overtaking and passing school busses, so as to increase the penalties for violations.

By Senator Little:

S. 163. To amend Section 28-6-1, Code of Alabama 1975, which provides for the definition of a native farm winery, so as to provide further for said definition.

By Senators Teague, Dial, Hand, and Menton:

S. 154. To provide for educational assistance benefits for members of the Alabama National Guard.

By Senators Mitchem, Barron, and Holmes:

S. 343. Relating to findings of the Legislature regarding the disease Avian Influenza; setting the crime of a knowing or wanton violation of laws or regulations pertaining to the control or eradication of Avian Influenza a Class C felony.

BILLS ON THIRD READING

The Bill:

S. 50. To authorize the State Health Department to establish a training program for persons interested in qualifying to perform soil percolation tests and soil borings. Further authorizing the Health Department to charge necessary registration fees for attending the course, to help offset any expenses. To further authorize members of the County Health Departments to assist in performing tests and to charge a fee to recover the actual expenses incurred.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Cooley	Foshee	Smith (B)	
Aldridge	deGraffenried	Hand	Smith (J)	
Barron	Denton	Holmes	Strong	
Bedsole	Dial	Little	Teague	
Cabaniss	Dixon	Mitchem		—18

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 196. WISHING MRS. MILDRED GRIFFEN A SPEEDY RECOVERY.

Also:

H. J. R. 203. COMMENDING ST. PETER'S CATHOLIC CHURCH, MONTGOMERY, ALABAMA, ON THE OCCASION OF ITS SESQUICENTENNIAL, FOR ITS OUTSTANDING CONTRIBUTIONS TO THE COMMUNITY AND STATE.

JOHN W PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been

publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

S. 191. To amend Section 5-18-11 of the Code of Alabama 1975 relating to books, accounts and records of licensees under the Alabama Small Loan Act so as to provide further for annual reports of such licensees.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 13; Nays 1.

Yeas:

Senators:	Corbett	Dixon	Mitchem	
Barron	Covington	Hand	Smith (B)	
Cabaniss	deGraffenried	Holmes	Smith (J)	
Cooley	Denton			—13

Nays: Senator Little —1

(The President and Presiding Officer of the Senate declared a quorum of the Senate present but not voting.)

The Bill:

S. 90. To amend Section 36-19-24 of the Code of Alabama 1975, relating to reports of fire losses on all property insured within the state so as to require such reports only on those fire losses where the loss exceeds the amount of \$500.00.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Denton	Hand	Smith (B)	
Aldridge	Dial	Holmes	Smith (J)	
Bedsole	Dixon	Little	Strong	
Cabaniss	Ellis	Menton	Teague	
Cooley	Goodwin	Mitchem		—18

Nays: —0

The Bill:

S. 190. To amend Section 32-5A-154, Code of Alabama 1975, which prohibits overtaking and passing school busses, so as to increase the penalties for violations.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Barron	Cabaniss	Corbett
Bailey	Bedsole	Cooley	Covington

Dial	Holmes	Menton	Strong	
Goodwin	Langford	Mitchem	Teague	
Hand	Little	Smith (B)		—18
<i>Nays:</i>				—0

The Bill:

S. 163. To amend Section 28-6-1, Code of Alabama 1975, which provides for the definition of a native farm winery, so as to provide further for said definition.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Little	
Amari	Cooley	Goodwin	Menton	
Bailey	Corbett	Hand	Mitchem	
Barron	Denton	Holmes	Teague	
Bennett	Dial	Langford		—18
<i>Nays:</i>				—0

MOTION IN WRITING

Senator Holmes offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 336, on page 74 of the Seventeenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 336, referred to the Standing Committee on Rules for placement on the Consent Calendar.

BILLS ON THIRD READING RESUMED

The Bill:

S. 154. To provide for educational assistance benefits for members of the Alabama National Guard.

was taken up.

On motion of Senator Strong, the Rules were suspended in order to postpone further consideration of the Bills, S. B. 154 and S. B. 343 subject to the call of the Chair.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 114. To further regulate and control alcoholic beverage transactions in Alabama under the control and supervision of the Alcoholic Beverage Control Board; to provide that each manufacturer or importer of alcoholic beverages selling its products in Alabama through wholesale licensees to retail licensees shall designate sales territories within the state and shall enter into a written territorial agreement naming an exclusive wholesaler for

each such designated sale territory, and shall file with Board the designated sales territories and a copy of each territorial agreement; to provide that such territorial agreement may not establish or maintain resale price; to provide for the modification of the designated sales territories and exclusive territorial agreements; to provide for verification by the Board of timely and proper filing of returns and payment of state and local taxes levied on alcoholic beverages by statute; to make it unlawful for any manufacturer or importer to permit its products to be sold in Alabama without the designation of sales territories and exclusive wholesalers for such territories, for any wholesaler to sell alcoholic beverages in any territory other than that designated as his exclusive sales territory or to sell any brand of alcoholic beverages without authorization from its manufacturer or importer, and for any retailer to purchase any alcoholic beverages from a wholesaler which has not been designated as the exclusive wholesaler for such alcoholic beverages for the sales territory within which the retailer's place of business is located; to provide penalties for violation of the provisions of this act; and to repeal all laws or parts of laws in conflict or inconsistent herewith.

and pending Little amendment to the Cabaniss substitute for the Bill, S. B. 114, which amendment and substitute are set out in the Journal of the Senate for the Sixteenth Legislative Day.

On motion of Senator Cabaniss, said Little amendment was laid on the table.

And on motion of Senator Cabaniss, his substitute was laid on the table.

Senator Cabaniss then offered the following amendment to the Bill, S. B. 114, to-wit:

AMENDMENT TO S. B. 114

Amend Senate Bill No. 114 Page 6 after Line 35, by adding a new Section 9 and renumbering subsequent sections accordingly:

Section 9:

For the purposes of this act, "alcoholic beverages", as referenced throughout the act shall not include table wine as defined in Section 28-7-3(3) Code of Alabama, 1975.

MOTION IN WRITING

Senator Goodwin offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 430, on page 100 of the Seventeenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 430, referred to the Standing Committee on Rules for placement on the Consent Calendar.

FURTHER CONSIDERATION OF S. B. 114

The Senate proceeded to further consideration of the Bill, S. B. 114. The question was on the amendment offered by Senator Cabaniss.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper (With Notice and Proof):

H. 116. Relating to Mobile County; to provide for a referendum election to determine whether the Mobile County Commission shall provide for a leash law in the unincorporated areas of the county; to empower the county commission to adopt and enforce such leash law contingent upon such referendum approval by the qualified electors of the county and to provide that the county commission may contract with an incorporated municipality in the county for enforcement of such law.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 116 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Harper and Turner (With Notice and Proof):

H. 119. Relating to Mobile County; authorizing the judge of probate to sell lists of voters to certain candidates and providing for the disposition of funds from said sales.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 119 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Zoghby and Clark (W) (With Notice and Proof):

H. 299. Prescribing certain procedures to be implemented by the Mobile County board of registrars when reidentifying voters or changing their addresses and providing for supplemental effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 299 as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Zoghby (With Notice and Proof):

H. 302. To amend section 2 of Act No. 181, H. 117, Regular Session 1957, (Acts 1957, p. 233), relating to Mobile County governing body, so as to require that each candidate for county commissioner must have resided within the district for which he qualifies a certain minimum period, and each county commissioner must reside within the respective district he represents during the term of office or forfeit the job.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 302, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Zoghby and Clark (W) (With Notice and Proof):

H. 303. To amend Section 1 of Act No. 82-374, H. 727, 1982 Regular Session of the Legislature (Acts 1982, p. 549), which act relates to the Mobile County board of registrars, so as to provide further for the meeting dates of such board for voter registration and voter reidentification purposes.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 303, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Mathis (With Notice and Proof):

H. 662. An Act relating to Geneva County providing that the Geneva County governing body shall supplement the salary of the District Judge from the County General Fund in the amount of \$3,600.00 per annum.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 662, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 116, 119, 299, 302, and 303. To the Committee on Local Legislation No. 3.

H. B. 662. To the Committee on Local Legislation No. 1.

FURTHER CONSIDERATION OF S. B. 114

The Senate proceeded to further consideration of the Bill, S. B. 114. The question was on the amendment offered by Senator Cabaniss.

On motion of Senator Parsons, said Cabaniss amendment was laid on the table.

Yeas 11; Nays 9.

Abstaining 1.

Yeas:

Senators:	Amari	Covington	Hand
Aldridge	Bennett	Denton	Hilliard

Holmes	Parsons	Smith (B)	Teague	—11
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Nays:

Senators:	Cabaniss	Dixon	Little	
Bailey	deGraffenried	Ellis	Mitchem	
Barron	Dial			—9

<i>Abstaining:</i> Senator Pearson	—1
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Senator Little offered the following amendment No. 2 to the Bill, S. B. 114, to-wit:

AMENDMENT TO S. B. 114

In Section 8, on page 6, between line 24 and line 25 add a new subdivision (5) to read as follows:

(5) For a person to sell beer manufactured outside this state to a beer wholesaler within this state for the purpose of its importation into this state at a price, exclusive of container deposit, freight, and state and local taxes, higher than that at which the same product in an identical size, container and package is being sold contemporaneously by that person to a wholesaler anywhere in any other state of the United States or in the District of Columbia, or to any state or state agency.

On motion of Senator Parsons, said amendment was laid on the table.

Yeas 12; Nays 7.

Abstaining 1.

Yeas:

Senators:	Cooley	Goodwin	Langford	
Aldridge	Corbett	Hand	Parsons	
Barron	Denton	Hilliard	Teague	
Bennett				—12

Nays:

Senators:	Bedsole	deGraffenried	Dixon	
Bailey	Cabaniss	Dial	Little	—7

<i>Abstaining:</i> Senator Pearson	—1
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Senator Bedsole offered the following amendment to the Bill, S. B. 114, to-wit:

AMENDMENT TO S. B. 114

Amend S. B. 114 on page 6 line 25 through line 35 by striking therefrom all of 8-B and inserting in lieu thereof the following:

"B. Penalties—Any violations of the provisions of this act subject the licensee to suspension or revocation of its license or to the levy of a fine in lieu of such suspension or revocation as set forth in § 28-3A-24, Code of Alabama 1975, as amended."

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	Cooley	Foshee	Little
Aldridge	Corbett	Goodwin	Mitchem
Amari	Covington	Hand	Parsons
Bedsole	deGraffenried	Holmes	Smith (J)
Bennett	Dixon	Langford	Teague
Cabaniss	Ellis		

—21

Nays: —0

Senator Cabaniss offered the following amendment No. 2 to the Bill, S. B. 114, as amended, to-wit:

AMENDMENT TO S. B. 114, AS AMENDED

Amend S. B. 114, page 5, line 25, after Section 6 by adding "new" Section 7, and renumbering all subsequent sections accordingly:

"SECTION 7: Setting of Maximum Prices by Board—

(1) The Board shall have the power to fix maximum wholesale prices for table wine and malt or brewed beverages within each exclusive sales territory for each brand of table wine and malt or brewed beverage.

(2) Each wholesaler shall file with the Board 60 days prior to any change in maximum price, notice of intent to change prices. Before approving any maximum price change, the Board shall hold public hearings relative to the exclusive sales territory or territories affected and hear evidence under oath relative to the prices to be fixed. Notice of such hearings shall be given to interested parties, including consumers, by announcement published in a newspaper having general circulation within the area or areas affected. Such announcement shall appear at least once, not less than 10 days nor more than 30 days prior to the date set for the hearing. Such publication shall be deemed sufficient and legal notice to all persons required by this article to be notified.

(3) The initial maximum prices filed with the Board shall be those wholesale prices in effect 10 days prior to this Act becoming law.

(4) At price hearings, consumers shall be entitled to offer evidence and to be heard the same as persons engaged in the industry. In fixing maximum prices, each Board Member may consider matters within his own knowledge and within the knowledge of the Board as a whole as well as pertinent or related matters occurring in other exclusive sales territories within or outside the state. After conducting such public hearings, the Board may, at its discretion, take under advisement the evidence and matters submitted to it, deliberate in private and render a decision at a later date.

(5) After holding such public hearings, deliberating and making such other investigation deemed advisable and after preparing a written finding of facts, the Board shall issue an official order fixing reasonable maximum prices. Nothing in this Act shall prohibit wholesalers from charging less than the maximum price fixed by the Board.

(6) The Board may, upon its own initiative or upon application, from time to time, amend or revise orders fixing prices, but shall hold a hearing and shall follow the same procedures as required in originally fixing the prices or charges. Such orders may be reviewed by certiorari in the same manner as other orders and regulations of the Board."

Further, amend the Title on page 1, line 33 by adding, after the word "statute" the following:

"providing the Board authority to set maximum prices, conduct price hearings, and otherwise regulate maximum prices;"

Senator Parsons moved that said amendment be laid on the table, which resulted in a tie vote.

Yeas 12; Nays 12.

Abstaining 1.

Yeas:

Senators:	Corbett	Goodwin	Parsons	
Amari	Covington	Hand	Smith (B)	
Bennett	Denton	Langford	Teague	
Cooley				—12

Nays:

Senators:	Cabaniss	Dixon	Little	
Aldridge	deGraffenried	Ellis	Mitchem	
Bailey	Dial	Holmes	Smith (J)	
Bedsole				—12

Abstaining: Senator Pearson —1

The President and Presiding Officer of the Senate voted "Nay"; therefore the motion to table lost.

The question was then on the amendment No. 2 offered by Senator Cabaniss, which was lost.

Yeas 12; Nays 16.

Yeas:

Senators:	Bedsole	Dial	Little	
Amari	Cabaniss	Dixon	Mitchem	
Bailey	deGraffenried	Ellis	Smith (J)	
Barron				—12

Nays:

Senators:	Corbett	Goodwin	Parsons	
Aldridge	Covington	Hand	Smith (B)	
Bennett	Denton	Holmes	Strong	
Bishop	Foshee	Langford	Teague	
Cooley				—16

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And said Bill, S. B. 114, as amended, was read a third time at length and passed and ordered sent forthwith to the House.

Yeas 15; Nays 12.

Abstaining 1.

Yeas:

Senators:	Bishop	Foshee	Langford	
Aldridge	Cooley	Goodwin	Parsons	
Barron	Corbett	Hand	Smith (B)	
Bennett	Covington	Holmes	Teague	—15

Nays:

Senators:	deGraffenried	Dixon	Mitchem	
Amari	Denton	Ellis	Smith (J)	
Bailey	Dial	Little	Strong	
Cabaniss				—12

Abstaining: Senator Pearson —1

Senator Parsons moved that the Senate reconsider the vote by which the Bill, S. B. 114, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

FURTHER CONSIDERATION OF S. B. 154

The Senate proceeded to further consideration of the Bill, S. B. 154.

Senator Teague requested and received permission to suspend the Rules in order to offer the following substitute for the Bill, S. B. 154, to-wit:

SUBSTITUTE FOR S. B. 154

**A BILL
TO BE ENTITLED
AN ACT**

To provide for educational assistance benefits for members of the Alabama National Guard.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known as the Alabama National Guard Educational Assistance Act.

Section 2. Definitions: The following words used in this act shall have the meanings as set forth by this section.

(a) Alabama National Guard means federally recognized units of the Alabama National Guard.

(b) Words importing the masculine gender only shall apply to female as well as male.

(c) Active member means a member of a federally recognized unit of the Alabama National Guard meeting the minimum requirements for satisfactory membership as defined in the Department of the Army and Department of the Air Force regulations.

(d) Veteran means any person with more than one hundred eighty days active duty under Title 10, United States Code, Annotated, and entitled to federal educational benefits will be considered a veteran and not eligible for benefits under this act.

(e) Tuition means the cost of instruction and fees to the student as stated in the institution's catalog, plus the average cost of books and supplies, not to exceed \$500 per semester or quarter or not more than \$1,000 annually.

Section 3. The Alabama Commission on Higher Education is hereby authorized to pay or reimburse the tuition for any active member of the Alabama National Guard who is enrolled in a program leading to an Associate or Baccalaureate Degree in an accredited institution of higher learning, technical college, or junior college within the State of Alabama. To be eligible for such benefits, the individual, at the time of his enrollment must be a member of the Alabama National Guard in good standing and a member of a federally recognized unit of the Alabama National Guard. The member must be at least seventeen years of age and must not be eligible for any similar federal veterans educational benefits or other federal educational benefits available to members of the National Guard and must be a resident of the State of Alabama. The tuition grant authorized under this act may be used for undergraduate studies only. In no event will any individual be eligible for payment or tuition after receipt of an undergraduate (bachelor's) degree, whether received through this act or not. No person shall be eligible for a tuition grant for more than ten years after the date of the first tuition payment to him under this act. The Alabama Commission on Higher Education shall set up minimum standards for performance that must be met in order to maintain eligibility for the continuation of the receipt of tuition grants under this act.

Section 4. In order to be eligible to receive tuition grants under this act, the member must meet the following minimum requirements:

(a) Be an active member of the Alabama National Guard and must have completed basic training and advanced individual training.

(b) The member must be a member in good standing with the Alabama National Guard as prescribed by regulations promulgated by the Department of the Army, Department of the Air Force, and the Military Department of the State of Alabama, at the time of application and during the entire semester or quarter for which benefits are received.

(c) If at any time an individual who is receiving benefits under this act becomes eligible for federal veterans college educational benefits or other similar federal educational benefits available to and through members of the National Guard, he is automatically ineligible for any further benefits under this act.

(d) In the event the individual's service in the Alabama National Guard is terminated or his service becomes unsatisfactory while receiving or for four (4) years after receiving the benefits afforded by this program the benefits will be terminated and repaid by the individual on a pro rata basis. After termination for the above causes, an individual will be ineligible for any further benefits under this act. If for any reason an individual is dismissed from any school for academic or disciplinary reasons, he is ineligible for further benefits from this program. The Alabama Commission on Higher Education shall be the final authority for making such determinations.

(e) The Alabama Commission on Higher Education of the State of Ala-

bama shall be responsible for the promulgation of rules and regulations for the administration and implementation of this act including rules and regulations providing for the selection of persons to receive benefits under this act. The Alabama Commission on Higher Education of the State of Alabama shall be the final authority in determining eligible applicants.

(f) The Adjutant General of the State of Alabama shall serve as an advisor to the Alabama Commission on Higher Education for the purpose of determining the eligibility of members of the Alabama National Guard to receive benefits under this act.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Denton	Hand	Mitchem	
Aldridge	Dial	Holmes	Smith (J)	
Bedsole	Ellis	Langford	Strong	
Bishop	Foshee	Little	Teague	
Cooley	Goodwin	Menton		—18

Nays: —0

And said Bill, S. B. 154, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Menton	
Bailey	Covington	Goodwin	Mitchem	
Bedsole	Denton	Hand	Smith (J)	
Bishop	Dial	Holmes	Strong	
Cabaniss	Dixon	Langford	Teague	
Cooley	Ellis	Little		—22

Nays: —0

BILLS ON THIRD READING RESUMED

The Bill:

S. 343. Relating to findings of the Legislature regarding the disease Avian Influenza; setting the crime of a knowing or wanton violation of laws or regulations pertaining to the control or eradication of Avian Influenza a Class C felony.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Senators:	Cooley	Foshee	Menton
Bailey	Corbett	Goodwin	Mitchem
Barron	Covington	Hand	Smith (J)
Bedsole	Denton	Holmes	Strong
Bishop	Dixon	Langford	Teague
Cabaniss	Ellis	Little	

—22

Nays:

—0

MESSAGE FROM THE GOVERNOR

To the Alabama Senate
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith a Message from Governor George C. Wallace pertaining to the constitutional amendment proposed by 1981 Alabama Act 889.

Done this 10th day of April, 1984.

Respectfully submitted,

ELVIN L. STANTON,
Executive Secretary.

MESSAGE FROM THE GOVERNOR

To the Alabama Senate
State Capitol
Montgomery, Alabama 36130

Ladies and Gentlemen:

Attached is a copy of the Judgment and Memorandum Opinion of Circuit Judge William R. Gordon in the case of Siegelman vs. Hobbie, et al., case number CV-84-373-G in Montgomery County Circuit Court, Fifteenth Judicial Circuit. You will note that this Judgment orders 1981 Alabama Act 889 be placed on the ballot for the November 6, 1984 general election.

There appear to be many legal questions that are left unanswered pertaining and relating to the powers and authority of the Legislature, under the Constitution, to recall, repeal, or revise a proposed constitutional amendment. Since these matters are of such great importance and deal directly with the powers and authority of the Legislature, I feel that it is appropriate for the Legislature to decide whether or not you wish to accept the Circuit Court's ruling as determinative of these issues or whether you wish for the case to be appealed, in order that the highest Appellate Court of the state may fully consider these issues and make a ruling which would hopefully settle all unanswered questions both legal and constitutional in relation to 1981 Alabama Act 889. As Governor I have no objection to Budget Isolation.

I would be receptive to an expression of legislative intent and desire on this matter.

Done this 10th day of April, 1984.

Respectfully,

GEORGE C. WALLACE,
Governor.

CIRCUIT COURT
FIFTEENTH JUDICIAL CIRCUIT

CV-84-373-G

DON SIEGELMAN, et cetera,)

Plaintiff,)

v.)

WALKER HOBBIE, et al.,)

Defendants.)

JUDGMENT

In accordance with the Memorandum Opinion issued this date, it is ORDERED and ADJUDGED that 1981 Ala. Acts 889 is a validly proposed amendment to the Constitution of Alabama, 1901, and should be placed on the ballot for the November 6, 1984 general election and the results of the vote certified and proclaimed in compliance with the legislative directives of Act 889, the election laws of this State and the Constitution of Alabama, 1901, as amended.

It is further ORDERED and ADJUDGED that the election on Act 889 held on March 13, 1984 did not legally adopt the amendment, and it is not a part of the Constitution of Alabama, 1901.

DONE and ORDERED in chambers this 9th day of April, 1984.

WILLIAM R. GORDON,
Circuit Judge.

CIRCUIT COURT
FIFTEENTH JUDICIAL CIRCUIT

CV-84-373-G

DON SIEGELMAN, et cetera,)

Plaintiff,)

v.)

WALKER HOBBIE, et al.,)

Defendants.)

MEMORANDUM OPINION

This case is now submitted to the court for an Order and declaration of whether (1) a proposed constitution amendment was properly placed on the ballot which was submitted to the electorate at the March 13, 1984 Presi-

dential Preferential Primary; and (2) whether the proposed amendment is now a valid part of the Constitution of the State of Alabama.¹

Upon consideration of all the evidence in this case and briefs submitted by the parties, the court is of the opinion that the amendment was valid as placed on the ballot, but that it presently is not a part of the Constitution of Alabama for the reasons that follow. Because of the time constraints under which this court operates in the case sub judice, this written opinion does not address in minute detail each and every contention of the parties, but only sets forth the factual and legal basis for the court's judgment.

EARLY LEGISLATIVE HISTORY OF THE AMENDMENT

The amendment was proposed and duly passed at the first Special Session of the 1981 Legislature. As originally passed the amendment contained three sections. Section I set forth the body of the proposed amendment. Section II set the date for the election on the amendment as the "... first statewide primary or general election after the expiration of three (3) months from the final adjournment of the session of the Legislature at which this bill is enacted." Section III directed the Governor to give notice of the election on the proposed amendment, as follows:

"Section III. Notice of the election on the proposed amendment shall be given by proclamation of the Governor and published in every county in the state for four successive weeks next preceding the day herein appointed for the election, such publication to be made once a week for four consecutive weeks next preceding the day so appointed, in a newspaper published in each such county; provided, that in any county in which there may be no newspaper published, the proclamation shall be published by posting, for a period of not less than four consecutive weeks next preceding the day so appointed, a copy of said proclamation at each courthouse in the said county. A newspaper shall be deemed to be published in a county, within the meaning of this section, if its principle editorial office is located in that county."

H. J. R. 75 (1981 Ala. Acts 1190) was subsequently adopted in the third Special Session in 1981 which directed that the election on the amendment "... be placed on the September 1982 primary or the November 82 general election ballot."

Thereafter, H. J. R. 165 (1982 Ala. Acts 414) rescinded the election date specified in H. J. R. 75 and further directed "... the said constitutional amendment proposed by Act No. 81-889 shall be on the ballot at the first primary or general election in 1984." H. J. R. 166 (1982 Ala. Acts 270) directed (1) that the Secretary of State return Act No. 81-889 to the legislature for further consideration; and (2) declared "... the election date on the September 1982 primary or the November 1982 general election ballot, as designated by Act No. 81-1190, H. J. R. 75, Third Special Session 1981, is hereby rescinded. House Joint Resolutions 165 and 166 were both adopted April 8, 1982.

Finally, H. J. R. 386 (1982 Ala. Acts 413) directed the Secretary of State to assign an act number to House Joint Resolution 165, and abide by the requirements prescribed therein so that the ballots shall be prepared

1. The proposed amendment is popularly known as the "Budget Isolation" amendment and is designated as 1981 Ala. Acts 889. It will be referred to in this Opinion as the "amendment."

and the date proclaimed as designated in H. J. R. 165, 1982 Regular Session.

The defendants raise three contentions based on the above sequence of legislative activity: (1) They contend that because H. J. R. 166 recalled the amendment from the Secretary of State for further consideration and thereafter the legislature failed to take any further steps with regard to the amendment, it is not a validly proposed amendment because it was "unfinished business" when the 1982 Regular Session finally adjourned, (2) That the legislature did not direct the Governor to issue or publish any notice of an election on the proposed amendment prior to the March 13, 1984 election as required by Amendment 24; and (3) That the legislature had no authority to order an election on the amendment beyond the 1982 general election. The court addresses these contentions in the order they are enumerated.

The defendants' first contention appears to be that the legislature never took any final action on the amendment because H. J. R. 166 ordered the Secretary of State to return the amendment to it for further consideration, and the clerk of the house only returned it to the Secretary as a courtesy pursuant to the Secretary's letter when the amendment was transmitted pursuant to H. J. R. 166. (See plaintiff Exhibits No. 11 & 12). It is more logical, and the court finds, that H. J. R. 166 recalled the amendment, and the legislature further considered the amendment by altering Section II in rescinding the 1982 election date and directing that it be placed on the ballot in 1984 (H. J. R. 165). The resolutions bear identical dates. If the legislature had intended that H. J. R. 166 should rescind all action on the amendment, it should also have referenced H. J. R. 165. This conclusion is buttressed by H. J. R. 386 which directed the Secretary to, inter alia, abide by the requirements of H. J. R. 165.

The court further finds that the amendment was returned to the Secretary by the House Clerk in compliance with the applicable statutes as "finished business", and was not returned as a courtesy.²

Section III of the amendment is a sufficient direction to the Governor to proclaim notice of the election. In Opinion of the Justices, 252 Ala. 89, 39 So.2d 665 (Ala. 1949), the Justices in giving their individual opinions concerning the recall of the legislature of a proposed constitutional amendment for reconsideration to change the date of the election, said at page 92 of 252 Alabama Reports: "[T]he legislative designation of the day for an election upon a proposed constitutional amendment is not required to be, although it may be, incorporated in the act or resolution proposing the amendment." The court, thus, finds that no additional direction in the form of a separate resolution or act was required; and that Section III of the amendment complies with the mandate of Amendment No. 24, Constitution of Alabama, 1901, which requires the legislature to direct the Governor in the manner that notice of the election is to be published.

The defendants next contend that the legislature did not have authority to redesignate the date for the election on the proposed amendment other than that set out in Amendment 24. In Opinion of the Justices, 418

2. The letter of transmittal from the House Clerk could be construed as indicating uncertainty on his part as to whether the documents returned were "finished" or "unfinished"; however, the list of "dead bills," et cetera, filed by the House Clerk with the Secretary does not include the amendment or H. J. R. 165, 166 or 386 (plaintiff's Exhibit No. 13). See, Ala. Code §§ 29-1-14, 15 & 16.

So.2d 107 (Ala. 1982), the Supreme Court considered the very issue before this court (in response to House Resolution 13) on the constitutional validity of setting the date of the election on the proposed amendment in 1984. The Justices advised that the proposed amendment could constitutionally be submitted for a vote in either of the 1984 elections. The defendants suggest that the Justices were in error (as pointed out by Justices Faulkner and Adams, dissenting), and they urge this court to decline to follow this erroneous advice.

It is technically correct, as a matter of law, that advisory opinions are not binding on the persons or bodies requesting the opinion, State ex rel. Bozeman v. Hester, 260 Ala. 566, 72 So.2d 61 (Ala. 1954), and; furthermore, they have no precedential value, Opinion of the Justices, 280 Ala. 692, 198 So.2d 269 (Ala. 1967). Nevertheless, the Alabama Supreme Court has held that state officers have a right to rely upon advisory opinions, and courts routinely cite them as authority. Hamilton v. Autauga County, 289 Ala. 419, 268 So.2d 30 (Ala. 1972). If the advisory opinion is in error, it is within the Supreme Court's prerogative to reconsider and correct it, when given the opportunity. Until such time as that occurs, this court should adhere to the advice of the Supreme Court where the Justices have based their advice on the identical facts and law which is before this court.

THE "CLEAN UP" RESOLUTION

House Joint Resolution 58 (1982 Ala. Acts 705) was adopted June 30, 1982, at the end of the second Special Session of the 1982 Legislature. This resolution was referred to in testimony at the hearing held in this case as a "clean up" resolution which has as its purpose the placing of all proposed constitutional amendments on the ballot at either a primary, a run-off, or a general election to avoid the additional expense of a special election on proposed amendments.

Certain enumerated amendments proposed during the 1982 Session were ordered to be placed on the election ballots for September 7, 1982, September 28, 1982 and November 2, 1982. The final paragraph of the resolution provided "BE IT FURTHER RESOLVED, That all constitutional amendments not enumerated herein shall be presented to the voters on November 2, 1982." Defendants contend that Act 705 superseded all prior directives concerning an election date on the "Budget Isolation" amendment and that the catchall language clearly directed that the amendment be placed on the November 2, 1982 ballot. The amendment was not placed on that ballot.

It is logical, as defendants suggest, that since the amendment was to take effect on January 1, 1982, that the November general election was the last set election at which the amendment could be considered. Were the legislatures' intent so clear on this point, the court could accept this contention.

On July 16, 1982, then Governor James proclaimed September 7, 1982, as the election date for the amendment. On August 9, 1982, (the first day of the third Special Session of the 1982 Legislature), House Resolution 13 requested an advisory opinion of the Alabama Supreme Court concerning H.J.R. 9 which was introduced to propose a redesignation of the date for holding the election on the "Budget Isolation" amendment (plaintiff Exhibit No. 16).³ In response to HR 13, seven of the nine Justices issued their

3. HJR 9 was never adopted by the legislature. Apparently its proposal was the

advisory opinion on August 13, 1982. Justices Faulkner and Adams dissented. Opinion of the Justices, 418 So.2d 107 (Ala. 1982).⁴

The court is of the opinion, for reasons of fact and law, that the language of Act 705 does not clearly evidence a legislative intent to place the amendment on the November general election ballot. First, if the legislature had intended that Act 705 set the election in November, 1982, there was no need to use proposed HJR 9 as a vehicle to seek the advisory opinion, because the vehicle existed in the form of Act 705 (it is worthwhile to note that H. R. 13 only referenced HJR 386, not Act 705 (HJR 58)). Secondly, the officer charged with proclaiming the election dates and giving notice of elections (the Governor) should not be required to sift through and analyze Act 705 and prior "clean up" resolutions in order to ferret out the date for an election.⁵ Further, to allow the legislature to direct the Governor to proclaim an election date in this manner truly fails to give adequate legislative direction to the Governor in compliance with Amendment 24, and results in the frustration of the amendment process rather than the fulfillment of the amendment process. Thus, the court believes that the legislature would not attempt to act in this manner, but that it only acts with a purpose to adhere to the constitutional mandate. For these reasons the court finds a basis, both in law and fact, that Act 705 does not truly reflect the legislature's intent to place the amendment on the November general election ballot. cf, Alabama Industrial Bank v. Avinger, 286 Ala. 59, 62, 237 So.2d 108 (Ala. 1970)(the court recognized that the language of the act may be departed from if other factors evidence a contrary legislative intention); Mitchell v. Walden Motor Co., 235 Ala. 34, 177 So. 151, 153 (Ala. 1937)(the court noting that no facts existed to clearly demonstrate a legislative intent not to partially repeal an act where an act, as amended, omits language from the prior act.).

LEGISLATIVE HISTORY OF THE AMENDMENT IN THE 1984 LEGISLATURE

House Joint Resolution 16 (1984 Ala. Acts 48) was adopted in the Regular Session 1984. The resolution declares that the amendment never received final action by the 1982 Legislature, and directed that the document should be kept with the other books and records of the legislature according to law. Laying aside the obvious, that it is the function of the

vehicle upon which HR 13 traveled to request the advisory opinion.

H. R. 13, as a pertinent fact, further noted that HJR was introduced on August 9, 1982 and proposed to rescind the election date set by 1982 Ala. Acts 413 (HJR 386) and to reset the election date for the first general election 1982.

4. Citing Opinion of the Justices, 275 Ala. 372, 155 So.2d 329 (Ala. 1963), a majority of the Justices opined that the same legislature at a succeeding session could change the election date on a proposed amendment by resolution. Justices Faulkner and Adams concurred that the legislature could change the date by resolution, but did not agree that the legislature had authority to go beyond the November, 1982 general election.

5. The court has examined the clean up resolutions as indexed and located in the bound volumes of the Acts of Alabama. None of these resolutions embody any "catchall" language as in Act 705. All specifically refer either to acts proposing amendments during a specific session of the legislature (1979 Ala. Acts 495; 1981 Ala. Acts 673) or enumerate specific acts (1980 Ala. Acts 5) or a combination of the two (1981 Ala. Acts 1190).

The court has compared the election dates set by HJR 58 to the election dates set by the proposed amendments which are specifically enumerated in HJR 58. Without fail, the dates set by HJR 58 correspond to the election dates specifically set in the proposed amendments. See, Ala. Acts 82-171, 82-330, 82-96 and 82-214.

court, and not the legislature, to declare the validity of the amendment; this resolution is otherwise outside the authority of the 1984 Legislature.

Opinion of the Justices No. 177, 275 Ala. 372, 155 So.2d 329 (Ala. 1963) is dispositive of the issue of whether a different legislature can repeal an amendment by a resolution. This case was cited prophetically by the Justices in Opinion No. 300 at page 109. In Opinion No. 177, the Justices at 373 said, as follows:

“The present legislature is the same legislature which passed Act No. 91 in its special session. We see no constitutional impediment in the same legislature at this succeeding regular session changing the date for holding the election on the proposed amendment. Our answer would probably be in the negative if a different legislature should pass the proposed resolution.” (Emphasis supplied)

The court finds that Opinion No. 177 is controlling and HJR 16 is not binding.

1984 Ala. Acts 53 was passed by the 1984 Legislature when it became apparent that “[T]he Secretary of State was going to certify the amendment proposed by Act 81-889 for an election on March 13, 1984. . . .” (defendants’ brief p. 22). Act 53 expressly repealed 1981 Ala. Acts 889, and it is uncontradicted that the act was passed by three-fifths vote in both houses of the legislature; however, no evidence was presented as to whether Act 53 was properly read. This burden was on the plaintiff.

Plaintiff contends that the language in Opinion No. 177 is equally applicable to an act passed by a different legislature. Defendants contend that (1) There is no prohibition in the Alabama Constitution prohibiting a different legislature from passing an act repealing a proposed amendment; (2) The language set out in Opinion No. 177 is not controlling; and, (3) The opinion of the Court of Appeals of Maryland in Bourbon v. Governor of Maryland, 265 A.2d 477 (Md. 1970) is dispositive.

This court does agree that Bourbon v. Governor of Maryland is an appropriate rule to follow in the case sub judice; however, following the result of that case does not favor the defendants. First, a reading of Bourbon indicates that the legislature which reconsidered the proposed amendment was the same legislature which passed the proposed amendment. Secondly, the court made a critical observation in holding at p. 482, as follows:

“[W]e find no necessity to hold that the powers contemplated in the delegation of § 1 [Art. XIV, § 1 Constitution] do not include the power to recall, revise and reframe a proposal for amendment up to the time it must be published by the Governor.” (emphasis supplied)

Assuming the defendants correct that a different legislature could recall, repeal or revise an amendment proposed by a prior legislature, the date which cuts off that subsequent legislature’s right to act is the date that publication on the proposed amendment should commence. Of course, in the case sub judice, there was no publication; however, defendants should not be able to profit by the failure to perform this ministerial duty. According to the court’s calculations, in the ordinary course the date to commence publication would have been February 14, 1984, and House Bill 159 (Act 53) was not introduced in the House of Representatives until February 16, 1984.

Thus, any actions taken by the legislature after that date cannot be held to legally repeal the proposed amendment.

There is a further reason why this late action by the legislature should not be allowed to stand. The ballot was certified by the Secretary of State on February 1, 1984. It is undisputed that the absentee ballots had been made available to those voters who qualified to vote an absentee ballot by March 8, 1984. This court will take judicial knowledge that March 8, 1984, was the last date upon which an absentee ballot could be secured. Therefore, it appears that the proposed amendment had, in effect, already been submitted to a portion of the electorate of this state. The court also notes that the Governor approved Act No. 53 which this court has pointed out in its earlier opinion issued in this case he was not authorized to do; and he was not authorized to attach an executive amendment.

For the reasons stated above, the court finds and is of the opinion that Act 53 was not an effective repeal of the proposed amendment.

LACK OF PUBLICATION OF THE AMENDMENT

Amendment 24, Constitution 1901, requires that notice of election on the amendment shall be published in each county in this state for at least four (4) successive weeks next preceding the date appointed for such election. There was no order of publication by the Governor, and consequently no publication whatsoever in this case.

It is generally held that the provisions concerning the mode of making amendments to the Constitution are mandatory and exclusive. Downs v. City of Birmingham, 240 Ala. 177, 198 So.231 (Ala. 1940). However, when there has been less than literal compliance with the publication requirements, our Supreme Court has held substantial compliance to be sufficient. See, e.g., Doody v. State ex rel. Mobile County, 233 Ala. 287, 171 So. 504 (Ala. 1936).

The court has considered those authorities cited by the plaintiff to this court, as well as the supplemental exhibits and affidavits submitted in support of plaintiff's contention that publication of the proposed amendment in 1982, by Governor James, as well as the extensive media publicity immediately prior to the March 13, 1984 election is substantial compliance with the publication requirements. The court finds as a matter of fact that the amendment did receive much publicity prior to the election. A large percentage, fifty-six percent (56%) of those who went to the polls, cast votes on the amendment. In fact, participation in the amendment vote exceeded that in the vote on the Randolph County Amendment, an amendment which was duly published, and towards which forty-one percent (41%) of those who went to the polls cast votes. These facts establish that notice of the election was informative and thorough.

The court first notes that in each case cited by the plaintiff, there was publication ordered and made to some extent. In this case there was no publication, whatsoever. Secondly, the case of Special School District No. 1 v. State, 123 So.2d 316 (Fla. 1960) which holds that wide-spread publicity appearing in the press and on television and radio each day prior to the date of the first publication of the notice of election is insufficient to comply with the constitutional requirements is closer to the facts of this case and should be followed. See, also, City of Birmingham v. Bouldin, 280 Ala. 76 (Ala. 1966).

The usual presumption that an entirely new constitution or a constitutional amendment which has been submitted to the voters of a state and

passed is validly approved, does not apply where there has been no publication. This court has been unable to find any authority that declares a presumption of validity when the state official charged with ordering publication has failed to comply with the directive of the legislature in the manner of publication (1981 Ala. Acts 899, § III), and the requirements of the state constitution. However, if such a presumption is appropriate in this case, the Supreme Court must define that presumption and apply it to these facts; this court's duty is only to apply, rather than make law.

For the foregoing reasons, this court is of the opinion and finds that although the amendment was properly placed on the ballot, it cannot be considered a part of our Constitution where it was not published prior to the election. This court is further of the opinion that in keeping with the directives of 1981 Act 81-899 that the amendment should be resubmitted to the voters at the general election to be held in November, 1984. If the voters approve the amendment, it would apply prospectively and be effective January 1, 1985.

The Governor filed a Motion For Instructions on March 30, 1984, requesting instructions on whether he should proclaim the results of the election on the amendment. Proclamation of the results of the election is a ministerial duty directed by Amendment 24, Constitution, *supra*, and § 17-17-3, which no court has the authority to excuse.

DONE and ORDERED in chambers this 9th day of April, 1984.

WILLIAM R. GORDON,
Circuit Judge.

GOVERNOR'S MESSAGE

On motion of Senator Teague, the foregoing Message from His Excellency, the Governor, relative to Act 81-889, was read and ordered spread upon the Journal.

BILLS ON THIRD READING RESUMED

The Bill:

S. 356. To amend Section 11-3-4.1, Code of Alabama, 1975, as amended, which relates to commissioners' minimum compensation so as to further provide for such compensation and to provide a minimum compensation for revenue commissioners and to further provide for such compensation.

and pending Cooley substitute, which said substitute is set out in the Journal of the Senate for the Sixteenth Legislative Day, having been postponed subject to the call of the Chair, was taken up.

On motion of Senator Cooley, his substitute was laid on the table.

Senator Cooley then offered the following substitute No. 2 for the Bill, S.B. 356, to-wit:

SUBSTITUTE FOR S. B. 356

A BILL TO BE ENTITLED AN ACT

To amend Section 11-3-4.1, Code of Alabama, 1975, as amended, which relates to commissioners' minimum compensation so as to further provide

for such compensation and to provide a minimum compensation for revenue commissioners and to further provide for such compensation.

Be It Enacted By The Legislature of Alabama:

Section 1. Section 11-3-4.1, Code of Alabama, 1975, is hereby amended to read as follows:

"§ 11-3-4.1. (a) For the purposes of this section the following terms shall have the following meanings:

(1) County commission chairman. Those persons elected or appointed to such office by any and all lawful means but shall not include those persons who serve as chairman by virtue of their having been elected or appointed as probate judge of the county.

(2) Compensation. All salary, expense allowance or any other compensation received for serving as commissioner or chairman of the county commission but shall not include any reimbursement for mileage traveled or actual and necessary expenses incurred which are otherwise payable by law.

(3) Local law. Any and all applicable statutes that apply to any part of the state which is less than the whole and shall include statutes otherwise known as "general laws of local application" or "population bracket acts."

(b) No county commissioner shall receive compensation for serving as such officer; that is less than ~~\$9,600.00~~ \$14,600.00 per year. No county commission chairman shall receive compensation for serving as such officer; that is less than ~~\$13,600.00~~ \$18,600.00 per year; provided however, the provisions of this sentence which serve to increase the compensation of any county commission chairman shall not apply to such chairman in any county in which the several county commissioners alternately serve as chairman on a rotating basis pursuant to a local law.

(c) No county commissioner that is required by local law to serve full time as county commissioner; shall receive compensation for serving as such officer; that is less than \$20,000.00 per year. No county commissioner serving as such officer in any county with a total population of 12,000 people or greater according to the 1980 federal decennial census and that is required by local law to serve full time as county commissioner shall receive compensation for serving as such officer that is less than \$25,000.00 per year. No county commission chairman that is required by local law to serve full time as county commission chairman; shall receive compensation for serving as such officer; that is less than ~~\$25,000.00~~ \$35,000.00 per year.

(d) The provisions of this section shall in no way affect reduce the compensation of county commissioners or county commission chairmen whose compensation is in excess of the minimums provided herein. Nor shall such provisions in any way affect subsequent local laws or general laws which provide compensation in excess of such minimums. Nor shall such provisions apply unless approved by a resolution of the county governing body. The provisions of this section shall in no way affect the compensation of probate judges. All compensation affected hereby shall be payable from the respective county's general fund or any other such fund from which such officer's compensation may now be paid by law.

(e) The provisions of this section which serve to increase any commissioner's or county commission chairman's compensation shall not take effect until the first day of the next term of office for such official; provided, however, where the county commission members' terms do not run concur-

rently, any increase provided under this section shall become effective as to all such members thereof immediately after the expiration of the term or terms of office of the member or members whose term or terms first expire.

~~(f) The other provisions of this section notwithstanding, the provisions of this section which serve to increase any commissioner's or county commission chairman's compensation shall not take effect unless said county commission is complying with any local section which requires payment of any judicial supplement.~~

Section 2. (a) No revenue commissioner shall receive compensation for serving as such officer, that is less than \$30,000.00 per year.

(b) The term "revenue commissioner" as used in this section shall mean any county official whose office has been established pursuant to the Constitution or laws of this state and whose duties of office include those formerly performed by both the offices of tax assessor and tax collector which offices have been abolished in that county.

(c) The term "compensation" as used in this section shall mean all salary, expense allowance or any other compensation received for serving as revenue commissioner but shall not include any reimbursement for mileage traveled or actual and necessary expenses incurred which are otherwise payable by law.

(d) The provisions of this section shall in no way affect the compensation of revenue commissioners whose compensation is in excess of the minimum provided herein. Nor shall such provisions in any way affect subsequent local laws or general laws which provide compensation in excess of such minimum. The provisions of this section shall in no way affect the compensation of tax assessors or tax collectors. All compensation affected hereby shall be payable from the respective county's general fund or any other such fund from which such officer's compensation may now be paid by law.

Section 3. All laws or parts of laws general, local or special in conflict with the provisions of this Act are hereby repealed insofar as such conflict shall exist.

Section 4. The provisions of this Act are severable and if any provisions hereof shall be declared invalid or unconstitutional such declaration shall not affect the remaining provisions of this Act.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Which was adopted.

Yeas 16; Nays 1.

Yeas:

Senators:	Cooley	Foshee	Langford	
Bailey	Denton	Goodwin	Little	
Barron	Dixon	Hilliard	Menton	
Bishop	Ellis	Holmes	Strong	
Cabaniss				—16

Nay: Senator Hand —1

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

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Senator Little offered the following amendment to the Bill, S. B. 356, as amended by the substitute, to-wit:

AMENDMENT TO S. B. 356, AS AMENDED

Amend Senate Bill No. 356, as last substituted Page 2 Lines 10 & 11 by inserting the figure \$11,600.00 in lieu of "\$14,600.00"

And on Line 13, strike the figure "\$18,600.00" and in lieu thereof insert the figure

"\$15,600.00"

And on Line 27, strike the figure "\$25,000.00" and in lieu thereof insert the figure

"\$22,500.00"

And on Line 31, strike the figure "\$35,000.00" and in lieu thereof insert the figure

"\$27,500.00"

On motion of Senator Cooley, said amendment was laid on the table.

Yeas 14; Nays 7.

Yeas:

Senators:	Bishop	Goodwin	Parsons	
Bailey	Cooley	Hilliard	Smith (J)	
Barron	deGraffenried	Holmes	Strong	
Bennett	Denton	Langford		—14

Nays:

Senators:	Dial	Ellis	Little	
Cabaniss	Dixon	Foshee	Smith (B)	—7

Senator Dixon offered the following amendment to the Bill, S. B. 356, as amended by the substitute, to-wit:

AMENDMENT TO S. B. 356, AS AMENDED

Amend Senate Bill No. 356 as Substituted Page 4 Line 20, by inserting a new Section 3 & renumber remaining sections.

Upon the passage of this Legislation all public officials affected by this Act will pay from their compensation for service all dues, assessments or any membership fees for any organizations they choose to belong to as result of their elected positions.

On motion of Senator Cooley, said amendment was laid on the table.

Yeas 14; Nays 4.

Yeas:

Senators:	Cooley	Ellis	Little	
Barron	Corbett	Goodwin	Parsons	
Bennett	Covington	Hand	Smith (J)	
Bishop	Denton	Langford		—14

Nays: Senators: Bailey, Barron, Dial and Dixon —4

Senator Little offered the following amendment No. 2 to the Bill, S. B. 356, as amended by the substitute, to-wit:

AMENDMENT TO S. B. 356, AS AMENDED

Amend Senate Bill No. 356 as last substituted Page 3 Line 6, by inserting after the word

“resolution”

the words

And signed by a majority

Which was adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	Cooley	Ellis	Langford
Barron	Covington	Foshee	Little
Bedford	deGraffenried	Goodwin	Menton
Bennett	Dial	Holmes	Parsons
Bishop	Dixon		

—17

Nay: Senator Hand

—1

Senator Little then offered the following amendment No. 3 to the Bill, S. B. 356, as amended by the substitute, as amended, to-wit:

**AMENDMENT TO S. B. 356, AS AMENDED
BY SUBSTITUTE AS AMENDED**

Amend Senate Bill No. 356 as last substituted Page 3 Line 7, by striking out the period “.”

and extend the sentence as follows:

and advertised once a week for four consecutive weeks in a duly authorized newspaper publishing in said county

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Turner (With Notice and Proof):

H. 383. To allow the Mobile County Commission, at their discretion, to grant an expense allowance to the Circuit Clerk, the County Administrator of Estates and the Circuit Register of the Thirteenth Judicial Circuit, Mobile County, Alabama, beginning in 1984.

I hereby certify that this Notice & Proof is attached to the Bill H. B. 383, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 383. To the Committee on Local Legislation No. 3.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Turner (With Notice and Proof):

H. 311. To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939 (Local Acts 1939, page 298), which creates and establishes the County-wide Civil Service System in Mobile County, as amended by Act No. 684, H. 594 of the Regular Session of 1976 (Acts of Alabama 1976, page 939), so as to delete the Presiding Judge of the Circuit Court and the Presiding Judge of the District Court, automatic members of the Supervisory Committee of the Mobile County Personnel Board, and to provide for the election of a Chairman of the said Supervisory Committee.

I hereby certify that this Notice & Proof is attached to the Bill H. B. 311, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 311. To the Committee on Local Legislation No. 3.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following bill:

By Reps. Marietta, Buskey (James), Kennedy, and Onderdonk:

H. 81. To amend Chapter 7 of Title 32 of the Code of Alabama 1975 commonly known as the Motor Vehicle Safety-Responsibility Act by amending Sections 32-7-5, 32-7-6 and 32-7-23 thereof so as to increase the amount of property damage which must be sustained to require an accident report to be filed and to increase the security required for an automobile or a motor vehicle liability policy while prohibiting duplication and the stacking of such under the uninsured and underinsured motorist coverage and make available underinsured motorist coverage under the Motor Vehicle Safety-Responsibility Act.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 81. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bills:

By Rep. Johnson (Roy):

H. 413, To be known as the "Long-term Care Recipient Ombudsman Act"; to provide general definitions; to authorize the State Long-Term Care Ombudsman and the Alabama Commission on Aging to investigate complaints concerning health care facilities and to certify community ombudsmen; to provide for the selection, training, and duties of community ombudsmen; to establish procedures for receiving, investigating, and resolving complaints; and to provide an effective date.

Also:

By Rep. Clark(J):

H. 615. To amend § 40-25-2, Code of Alabama 1975, so as to levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes within this state; to amend Section 40-25-23 to provide for disposition of the proceeds of the tobacco tax; to provide for consistency in the manner of taxing cigarettes within the State of Alabama; and to repeal Sections 40-25-60, 40-25-61 and 40-25-62, Code of Alabama, 1975.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 413. To the Committee on Health and Welfare.

H. B. 615. To the Committee on Finance and Taxation.

FURTHER CONSIDERATION OF S. B. 356

The Senate proceeded to further consideration of the Bill, S. B. 356, as amended by the substitute, as amended. The question was on the Little amendment No. 3.

On motion of Senator Cooley, said amendment was laid on the table.

Yeas 13; Nays 10.

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Yeas:

Senators:	Cooley	Goodwin	Parsons	
Bedford	Corbett	Langford	Smith (J)	
Bennett	Denton	Menton	Strong	
Bishop	Ellis			—13

Nays:

Senators:	Covington	Dixon	Holmes	
Bailey	deGraffenried	Foshee	Little	
Barron	Dial	Hand		—10

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harper (With Notice and Proof):

H. 603. Relating to Mobile County; requiring the county governing body to pay from the county general fund, or any fund designated for roads or bridges, the expense of relocating certain water pipes and lines, owned by rural water or municipal water systems when outside of the municipalities' police jurisdiction, as a result of certain public roads maintenance, construction, bridge repair or replacement; and repealing conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 603, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Zoghby (With Notice and Proof):

H. 605. Relating to Mobile County; providing for a singular appropriation, in addition to any and all other appropriations, to the City of Mobile Reception Room Committee for furnishing the Mobile City Hall reception room, from funds received by the county for the City of Mobile, for the fiscal year ending September 30, 1984, from the additional state sales tax levied on alcoholic beverages by Sections 28-3-280 and 28-3-281, Code of Alabama 1975.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 605, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Turner (With Notice and Proof):

H. 610. Relating to Mobile County; providing for the compensation and payment of salary of the members of the county governing body.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 610, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Turner (With Notice and Proof):

H. 655. Relating to Mobile County; exempting all real and personal property owned and used by the Mobile Area Chamber of Commerce Foundation, Incorporated, from county ad valorem taxation.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 655, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Harper, Marietta, and Turner (With Notice and Proof):

H. 548. Relating to Mobile County; exempting all real and personal property owned and used as community centers, ball parks and recreational facilities by nonprofit businesses and corporations from all county ad valorem taxation.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 548, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. White (F) (With Notice and Proof):

H. 664. Relating to Escambia County; to provide that Four Million Dollars (\$4,000,000.00) of the proceeds of the oil and gas severance tax paid to Escambia County, Alabama under provisions of Section 40-20-8, Code of Alabama, 1975, as amended, during the fiscal year 1983-84 together with twenty percent (20%) of the annual income thereon each year thereafter beginning with the fiscal year 1984-85 shall become the corpus of a trust and remain the corpus of said trust for a period of twenty years; to provide for the appointment of trustees of the trust; to provide for the investment of the corpus of the trust for the payment of eighty percent (80%) of the investment income thereon into the general fund of Escambia County; and to provide that the provisions of this Act shall terminate twenty years from the date of its enactment.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 664, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Nicholson and Brakefield (With Notice and Proof):

H. 635. Relating to Walker County; to provide for a county legislative delegation office; to require that the county commission shall provide office space, furniture, equipment, supplies, and a salary for either a secretary or office manager who shall be hired and shall serve at the pleasure of the Walker County legislative delegation.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 635, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Nicholson and Brakefield (With Notice and Proof):

H. 636. Relating to Walker County; providing an additional expense allowance for the coroner.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 636, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Harvey (With Notice and Proof):

H. 658. Relating to Blount County; to repeal Act No. 214, H. 635, Regular Session 1976 (Acts 1976, p. 229), entitled "To permit hunting of deer with dogs in all counties having a population of not less than 26,725 nor more than 27,250 according to the most recent or any subsequent federal decennial census."

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 658, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Turner (With Notice and Proof):

H. 237. Relating to Mobile County; to provide further for the disposition and use of the funds received by Mobile County under the provisions of Title 40, Chapter 20, Article 1, Code of Alabama 1975, as amended, providing for the levy of a privilege tax on the production of oil and gas; and to specifically repeal Act No. 870, H. 1517, Regular Session 1975 (Acts 1975, p. 1714), providing further for the disposition and use of a certain portion of the funds received by Mobile County from an oil and gas severance tax, and all other laws or parts of laws in conflict herewith.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 237, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Richardson and Hall (With Notice and Proof):

H. 674. Relating to Jackson County; providing for an appropriation for the relief of Mr. Willie Dean Mount and providing for a retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 674, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 603, 605, 610, 655, 548, and 237. To the Committee on Local Legislation No. 3.

H. B.'s 664, 635, 636, 658, and 674. To the Committee on Local Legislation No. 1.

FURTHER CONSIDERATION OF S. B. 356

The Senate proceeded to further consideration of the Bill, S. B. 356, as amended by the substitute, as amended.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Zoghby, Hettinger, and Starr:

H. J. R. 216. AMENDING ACT NO. 83-339, S. J. R. 47, 1983 REGULAR SESSION WHICH CREATED A JOINT INTERIM LEGISLATIVE COMMITTEE ON THE ARTS AND HUMANITIES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 83-339, S.J.R. 47, 1983 Regular Session, is hereby amended to read as follows, viz:

"WHEREAS, the Legislature of Alabama notes that there is a growing recognition among Alabama citizens that the performing, visual and literary arts are important to the quality of life of every person, the cultural environment of our communities, the vitality of our cities and to the developing economy of the state; and

"WHEREAS, citizen demand for arts experiences has generated public and private support for the arts, creating a beneficial cultural and economic impact on the state; and

"WHEREAS, a 1981 statewide study has revealed great citizen interest in incorporating arts into the regular curriculum of our public schools; and

"WHEREAS, a 1982 study has revealed the arts to be of great economic impact providing millions of dollars in revenue and providing many jobs; and

"WHEREAS, the 1982 Regular Session of the Alabama Legislature passed legislation permitting Alabama taxpayers to designate a portion of their refund to the Arts Development Fund; now therefore,

"BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,

BOTH HOUSES THEREOF CONCURRING, That there is hereby created an Interim Committee on the Arts and Humanities, to meet and to report to the Legislature by the fifth legislative day of the 1986 Regular Session on the state of the Arts and Humanities as investigated by the Committee. Upon request of the Chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as the Committee's work may require. The Committee shall be composed of the two members from both houses who currently serve on the Arts Task Force of the National Council of State Legislatures and three other committee members from each house to be appointed by the Lieutenant Governor and the Speaker of the House of Representatives. The President and the President Pro Tempore of the Senate and the Speaker and the Speaker Pro Tempore of the House shall be ex officio members of the Committee.

"The purpose of this interim committee shall be to study the matter set forth below and such other matters as it may deem appropriate to improve the environment of the state through the encouragement and expansion of the arts. Those specific matters shall be:

- "1. The appropriate level of state support for the arts;
- "2. The level of demand for the arts;
- "3. Methods to promote demand for the arts to increase employment for artists and income for arts organizations;
- "4. The place of arts in education;
- "5. The role of government in supporting the arts versus the role of the private sector;
- "6. The involvement of minorities in the arts;
- "7. The need for interim, standing or joint committees on the arts;
- "8. Alternate approaches to supporting the arts;
- "9. The use of public buildings in non-peak hours for arts activities;
- "10. The need for art in public places;
- "11. The availability and accessibility of the arts to all citizens.

"BE IT FURTHER RESOLVED, That the Interim Committee will study in general the way that public dollars are being invested in the arts so that these monies are multiplied as significantly as possible; and that the final report of the Committee, along with findings and recommendations, shall be submitted to each member of the Legislature no later than the fifth Legislative day of the 1986 Regular Session. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee, which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Total expenditures of the committee shall not exceed \$10,000.00.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 216, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Burke:

H. J. R. 226. DESIGNATING JUNE 4-9, 1984, AS “‘ALABAMA’ WEEK” IN THE STATE OF ALABAMA.

WHEREAS, on June 9, 1984, Alabama’s Third Annual “June Jam” will be held in Fort Payne, Alabama; and

WHEREAS, “June Jam,” which was organized and is sponsored by the musical group “Alabama,” has netted during its two previous concerts some \$525,000.00 donated to charities in the State of Alabama; and

WHEREAS, in addition to performances by “Alabama” the ‘84 June Jam will also feature, among others, such famous personalities as Janie Fricke and Lee Greenwood; and

WHEREAS, the group “Alabama” has indeed focused the spotlight of the world on our State, in honor and prestige, and the members have greatly contributed to their fellow Alabamians, not only through the unselfish and dedicated sharing of their time and talent, but through personal and generous financial support as well; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in small token of sincere gratitude, admiration and regard, and in coincidence with “Alabama’s” third annual “June Jam” in Fort Payne, we hereby designate the Week of June 4-9, 1984, as “‘Alabama’ Week” in the State of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to Messrs. Randy Owen, Jeff Cook, Teddy Gentry, and Mark Herndon of “Alabama” as a memento of this honorary designation of the Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 226, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps Nicholson and Brakefield:

H. J. R. 220. MOURNING THE DEATH OF MR. MARSHEL JOHNSON, JUNIOR, OF JASPER, ALABAMA.

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Also:

By Reps. Nicholson and Brakefield:

H. J. R. 221. COMMENDING DILWORTH COMMUNITY ON
GROUNDBREAKING FOR NEW CENTER.

Also:

By Rep. Browder:

H. J. R. 222. COMMENDING COACH VAN DEERMAN ON HIS
OUTSTANDING CAREER AS COACH AND EDUCATOR AT JACK-
SONVILLE HIGH SCHOOL.

Also:

By Rep. Browder:

H. J. R. 223. COMMENDING JACKSONVILLE STATE UNI-
VERSITY WOMEN'S AND MEN'S GYMNASTICS TEAM.

Also:

By Rep. Payne:

H. J. R. 224. COMMENDING HEWITT-TRUSSVILLE HIGH
SCHOOL WRESTLER TIM MINOR.

Also:

By Rep. Payne:

H. J. R. 225. COMMENDING THE HEWITT-TRUSSVILLE
HIGH SCHOOL WRESTLING TEAM.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 220, 221, 222, 223, 224, and 225, set out in
the foregoing Message from the House, were read and referred to the Stand-
ing Committee on Rules.

FURTHER CONSIDERATION OF S. B. 356

The Senate proceeded to further consideration of the Bill, S. B. 356, as
amended by the substitute, as amended.

And said Bill, S. B. 356, as amended, was read a third time at length
and passed, and ordered sent forthwith to the House.

Yeas 17; Nays 9.

Yeas:

Senators:	Cooley	Goodwin	Sanders
Bailey	Corbett	Langford	Smith (J)
Bedford	Covington	Menton	Strong
Bennett	Denton	Parsons	Teague
Bishop	Ellis		

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Nays:

Senators:	Cabaniss	Dial	Foshee
Barron	deGraffenried	Dixon	Hand

Holmes

Little

—9

Senator Cooley moved that the Senate reconsider the vote by which the Bill, S. B. 356, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MOTION TO ADJOURN

At 5:25 P.M., Senator Barron moved that the Senate adjourn until Thursday, April 12, 1984, at 11 o'clock A.M.

Senator Holmes offered a substitute motion that the Senate adjourn until Thursday, April 12, 1984, at 12:01 A.M., which motion was lost.

Yeas 3; Nays 29.

Yeas: Senators: Aldridge, Covington and Holmes

—3

Nays:

Senators:	Cabaniss	Foshee	Mitchem
Amari	Cooley	Goodwin	Parsons
Bailey	Corbett	Hand	Sanders
Barron	deGraffenried	Hilliard	Smith (B)
Bedford	Denton	Langford	Smith (J)
Bedsole	Dial	Little	Strong
Bennett	Dixon	Menton	Teague
Bishop	Ellis		

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The question was then on the motion of Senator Barron that the Senate adjourn until Thursday, April 12, 1984, at 11 o'clock A.M., which motion was lost.

Yeas 13; Nays 18.

Yeas:

Senators:	Bedford	Dial	Mitchem
Amari	Bedsole	Hand	Sanders
Bailey	Bennett	Hilliard	Strong
Barron	Cabaniss		

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Nays:

Senators:	deGraffenried	Goodwin	Parsons
Aldridge	Denton	Holmes	Smith (B)
Bishop	Dixon	Langford	Smith (J)
Cooley	Ellis	Little	Teague
Corbett	Foshee	Menton	

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RESOLUTIONS

The Standing Committee on Rules reported the following Senate Resolution, to-wit:

S. R. 155. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the seventeenth legislative day of the 1984 Regular Session only:

Inst Id

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S. 458 Motor Fuel Marketing Act, prevents monopolies in
marketing of said fuels

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Senator Dial offered the following Senate Resolution, to-wit:

S. R. 156. COMMENDING MR. J. LEWEL SELLERS FOR OUTSTANDING SERVICE TO THE SOIL AND WATER CONSERVATION DISTRICTS OF ALABAMA.

Which was adopted.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills, respectively, and finds same correctly engrossed, to-wit:

S. 114. To further regulate and control alcoholic beverage transactions in Alabama under the control and supervision of the Alcoholic Beverage Control Board; to provide that each manufacturer or importer of alcoholic beverages selling its products in Alabama through wholesale licensees to retail licensees shall designate sales territories within the state and shall enter into a written territorial agreement naming an exclusive wholesaler for each such designated sale territory, and shall file with Board the designated sales territories and a copy of each territorial agreement; to provide that such territorial agreement may not establish or maintain resale price; to provide for the modification of the designated sales territories and exclusive territorial agreements; to provide for verification by the Board of timely and proper filing of returns and payment of state and local taxes levied on alcoholic beverages by statute; to make it unlawful for any manufacturer or importer to permit its products to be sold in Alabama without the designation of sales territories and exclusive wholesalers for such territories, for any wholesaler to sell alcoholic beverages in any territory other than that designated as his exclusive sales territory or to sell any brand of alcoholic beverages without authorization from its manufacturer or importer, and for any retailer to purchase any alcoholic beverages from a wholesale which has not been designated as the exclusive wholesaler for such alcoholic beverages for the sales territory within which the retailer's place of business is located; to provide penalties for violation of the provisions of this act; and to repeal all laws or parts of laws in conflict or inconsistent herewith.

Also:

S. 154. To provide for educational assistance benefits for members of the Alabama National Guard.

CHARLES BISHOP,
Chairperson.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (Roy):

H. J. R. 230. WHEREAS, more than ten million young Americans are participating in cocurricular activities in secondary schools across the nation: and

WHEREAS, these activities, which include student government, speech, debate, music, journalism, science, and mathematics clubs, academic, vocational, and other student organizations, contribute greatly to developing leadership qualities in our youth; and

WHEREAS, these students will be our Nation's future leaders; and

WHEREAS, it is in the national interest to promote increased emphasis in our students' well-rounded education, which includes a rigorous academic experience and successful leadership experiences in the school setting; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week of April 23-27, 1984, is designated as "Alabama Student Leadership Week" and the Governor of the State of Alabama is authorized and requested to issue a proclamation calling upon the citizens of the State of Alabama, local government officials, and interested groups to observe that week by engaging in appropriate ceremonies, activities, and programs, thereby demonstrating their support for our students' overall education.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 230, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. McKee, Starr, Mikell, Hooper, Buskey (John) and Holmes:

H. J. R. 227. COMMENDING RHUBARB JONES OF MONTGOMERY, ALABAMA, NATIONAL DISC JOCKEY OF THE YEAR.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 227, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MOTIONS IN WRITING

Senator Bennett offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 242, on page 78 of the Seventeenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 242, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Bennett then offered the following Motion in Writing, to-wit:

I move that the bill, S. B. 325, on page 66 of the Seventeenth Day cal-

endar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 325, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bills:

By Reps. Clark (J) and Biddle:

H. 295. To amend the Dental Practice Act, Sections 34-9-1, 34-9-6, 34-9-9, 34-9-11, 34-9-17, 34-9-18, 34-9-19, 34-9-22, 34-9-25, 34-9-26, 34-9-27, 34-9-29, 34-9-41 and 34-9-43 of the Code of Alabama 1975, so as to regulate further the practice of dentistry and dental hygiene; to regulate further the board of dental examiners; and to provide sanctions.

Also:

By Rep. Starr:

H. 341. To amend Sections 34-33-1, 34-33-2, 34-33-3, 34-33-4, 34-33-6, 34-33-7, and 34-33-9 of the Code of Alabama 1975 which relate to the design, installation and maintenance of fire protection sprinkler systems so as to refine the definition of "Fire Protection Sprinkler Contractor and Fire Protection Sprinkler System"; to allow persons designated by the fire marshal to prepare and administer competency tests; to clarify application of this Act to certain owners of fire protection sprinkler systems; to allow for reciprocity among states for recognized permits; to allow a fire protection sprinkler contractor to continue in business for a limited period if the contractor's certificate holder dies or leaves the employment of such contractor; to specify the time for filing renewal applications; and to provide that if plans for a fire protection sprinkler system are required to be submitted to and approved by any municipality, county or the state such plans must bear the permit number of the certified fire protection sprinkler contractor.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 295. To the Committee on Health and Welfare.

H. B. 341. To the Committee on Small Business.

FURTHER CONSIDERATION OF S. R. 155

The Senate proceeded to further consideration of the Resolution, S. R. 155.

On motion of Senator Bishop, the Resolution was adopted by the Senate.

SPECIAL ORDER
BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

S. 458. To create the Motor Fuel Marketing Act in order to protect Alabama's consumers against major oil company monopolies; to encourage fair and honest competition and to safeguard the public against unfair practices involving the sale of motor fuel in wholesale and retail trades; to provide for enforcement of the Act and penalties for violations; and for related purposes as well as to make certain declarations.

Senator Bedford offered the following amendment to the Bill, S. B. 458, to-wit:

AMENDMENT TO S. B. 458

Amend Senate Bill No. 458 Page 6 Line 20, by striking out Section 5 in its entirety and renumbering all subsequent sections.

MOTION IN WRITING

Senator Mitchem offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 470, on page 117 of the Seventeenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 470, referred to the Standing Committee on Rules for placement on the Consent Calendar.

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 356. To amend Section 11-3-4.1, Code of Alabama, 1975, as amended, which relates to commissioners' minimum compensation so as to further provide for such compensation and to provide a minimum compensation for revenue commissioners and to further provide for such compensation.

CHARLES BISHOP,
Chairperson.

FURTHER CONSIDERATION OF S. B. 458

The Senate proceeded to further consideration of the Bill, S. B. 458. The question was on the amendment offered by Senator Bedford.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and

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House of Representatives, I respectfully report the following Bill delivered to the Secretary of State, with the date and hour of delivery, to-wit:

S. B. 389

Delivered to the Secretary of State on April 6, 1984, at 8:35 A.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 6:05 P.M., on motion of Senator deGraffenried, and pending further consideration of S. B. 458, the Senate adjourned until Thursday, April 12, 1984, at 10 o'clock A.M.

Yeas 18; Nays 12.

Yeas:

Senators:	Bishop	Ellis	Mitchem	
Aldridge	Cooley	Foshee	Smith (B)	
Amari	Covington	Hilliard	Strong	
Bailey	deGraffenried	Holmes	Teague	
Bennett	Dial	Little		—18

Nays:

Senators:	Cabaniss	Goodwin	Menton	
Barron	Denton	Hand	Parsons	
Bedford	Dixon	Langford	Smith (J)	
Bedsole				—12

EIGHTEENTH LEGISLATIVE DAY**THURSDAY, APRIL 12, 1984**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by the Reverend Johnny E. Jones, Pastor, First Assembly of God, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Bernadette Payne, McIntyre Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Cabaniss	Foshee	Mitchem
Aldridge	Cooley	Goodwin	Parsons
Amari	Corbett	Hand	Pearson
Bailey	Covington	Hilliard	Sanders
Barron	deGraffenried	Holmes	Smith (B)
Bedford	Denton	Langford	Smith (J)
Bedsole	Dial	Little	Strong
Bennett	Dixon	Menton	Teague
Bishop	Ellis		

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JOURNAL

On motion of Senator Dixon, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Seventeenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Seventeenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator Dixon, leave of absence was granted Senators Drinkard and Figures for today.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Hilliard:

S. 553. To amend Section 11-47-14 of the Code of Alabama, 1975, to permit all municipalities to issue bonds to construct a wharf or wharves and a landing or landings, and to purchase real estate therefor, within the city limits, or within twenty-five miles thereof.

Committee on Governmental Affairs.

By Senator Hilliard:

S. 554. To authorize, based on certain legislative findings, municipalities situated in Alabama to alter and change water courses and to acquire, construct and develop wharves, warehouses, and other improvements related to the development and operation of river ports within a radius of twenty-five miles of the limits thereof in order to maximize the ability of such municipalities to promote the use of river and water transportation to take advantage of the transportation potential made possible by the Tombigbee Waterway, provided that no such facility can be constructed or developed within the police jurisdiction of another municipality without the consent thereof, or in an unincorporated area of any county without the consent of the governing body of such county; to authorize such municipalities to issue general obligation bonds, or to authorize industrial development boards to issue revenue bonds, to finance such river port facilities; to authorize municipalities and counties to contribute funds to such municipalities for construction and operation of such river port facilities, and to contract for joint construction and operation thereof; to make the provisions hereof severable; and to provide an effective date of the Act.

Committee on Governmental Affairs.

By Senators Foshee and Holmes:

S. 555. To amend Section 1 of Act No. 83-889, Fourth Special Session of 1983, so as to define "discovery well", "onshore well" and "development wells", and to amend Section 2 of Act No. 83-889, Fourth Special Session of 1983, so as to provide that all oil and gas produced from onshore discovery wells, all oil and gas produced from onshore development wells on which drilling commenced within four years of the completion date of the discovery well and producing from a depth of 6,000 feet or greater, and all oil and gas produced from onshore development wells on which drilling commenced within two years of the completion date of the discovery well and producing from a depth less than 6,000 feet shall be taxed at a rate of six (6) percent of the gross value of said oil and gas at the point of production for a period of five (5) years from the date production begins from the reservoir provided that said discovery and development wells were permitted by the State Oil and Gas Board of Alabama after July 1, 1984, shall be taxed at the rate of six (6) percent of the gross value of said oil or gas at the point of production for a period of five (5) years from the date production first begins.

Committee on Small Business.

By Senators Hand, Bedsole, and Barron:

S. 556. To regulate certain activities relating to possession of and transactions in drug paraphernalia; to define certain terms relating to such

paraphernalia; to make it unlawful to engage in certain activities relating to such paraphernalia; to prescribe penalties for such unlawful acts and to repeal and supersede those provisions of Chapter 2, Title 20 of the Code of Alabama which heretofore regulated "drug related objects."

Committee on Judiciary.

By Senators Dixon, Teague, Langford, and Foshee:

S. 557. To amend Section 16-25-14 of the Code of Alabama 1975, relating to benefits generally under the teachers' retirement system, so as to provide further for certain benefits under such system.

Committee on Governmental Affairs.

By Senators Bishop, Denton, Aldridge, Foshee, Covington, Cooley, Goodwin, Bennett, Cabaniss, Sanders, Bailey, Hilliard, and Parsons:

S. 558. To amend Section 36-29-2, Code of Alabama 1975, which creates the state employees' insurance board, so as to provide further for membership on the board.

Committee on Governmental Affairs.

By Senator Bennett (With Notice and Proof):

S. 559. Relating to Jefferson County; to alter, rearrange and extend the boundaries and corporate limits of the City of Midfield, Alabama, so as to incorporate certain territory as described herein.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 559, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Smith (J):

S. 560. To amend Section 13A-6-20 of the Code of Alabama 1975, relating to assault in the first degree so as to provide further for the elements of such crime.

Committee on Judiciary.

By Senator Smith (J):

S. 561. To amend Section 32-5A-191 of the Code of Alabama 1975, relating to driving under the influence of alcohol or controlled substances, so as to provide further for the sentence for a second conviction under such section.

Committee on Judiciary.

By Senator Barron:

S. 562. To extensively revise Title 32, Chapter 6, Article 1, and Title 32, Chapter 9, Code of Alabama 1975, relating to drivers' license laws, so as to further establish classifications of motor vehicle drivers' license for private passenger and commercial; one to one-half ton truck; eighteen wheeler tractor trailer or semitrailer or other such heavy truck, and piggyback or double trailer trucks; to prescribe certain testing and skill of operation for the operators of such motor vehicles; to permit an accumulation of certain penalty points before revocation or suspension in excess of those required

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for classes one and two drivers; to prescribe additional duties and responsibilities for the department of public safety and certain state technical colleges related to training, licensing and enforcement; to prescribe increased license fees for each drivers' classification; to grandfather in certain licensees as to proof of training; and to authorize the director of public safety to issue certain rules and regulations to implement the provisions of this act.

Committee on Judiciary.

By Senator Mitchem:

S. 563. To provide for a supplemental appropriation to the Department of Agriculture and Industries from the Agricultural Fund for the period ending September 30, 1984, in the amount of \$400,000.

Committee on Finance and Taxation.

By Senator Hilliard (With Notice and Proof):

S. 564. To authorize Class I municipalities to alter and change water courses and to construct and develop wharves and wharf facilities within a radius of twenty-five miles in order to maximize the ability of municipalities to promote the use of river and water transportation to take advantage of the shipping potential made possible by the Tombigbee Waterway, provided that no such facility can be constructed or developed within the police jurisdiction of another municipality without the consent thereof, or in an unincorporated area of any county without the consent of the governing body of such county; to issue general obligation bonds, or to authorize industrial development boards to issue revenue bonds to finance such facilities; to authorize municipalities and counties to contribute funds to such municipalities for construction and operation of such facilities, and to contract for joint construction and operation thereof; to provide an effective date of the Act.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 564, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Cabaniss and Bennett:

S. 565. To exempt the Birmingham Festival of Arts in Jefferson County, Alabama, from the payment of all state, county and municipal sales and use taxes.

Committee on Finance and Taxation.

RESOLUTION

Senator Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 157. DESIGNATING THE WEEK OF APRIL 23-27, 1984, AS "ALABAMA STUDENT LEADERSHIP WEEK."

WHEREAS, more than ten million young Americans are participating in cocurricular activities in secondary schools across the Nation; and

WHEREAS, these activities, which include student government, speech, debate, music, journalism, science, and mathematics clubs, academic, vocational, and other student organizations, contribute greatly to developing leadership qualities in our youth; and

WHEREAS, these students will be our Nation's future leaders; and

WHEREAS, it is in the national interest to promote increased emphasis in our students' well-rounded education, which includes a rigorous academic experience and successful leadership experiences in the school setting; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week of April 23-27, 1984, is designated as "Alabama Student Leadership Week" and the Governor of the State of Alabama is authorized and requested to issue a proclamation calling upon the citizens of the State of Alabama, local government officials, and interested groups to observe that week by engaging in appropriate ceremonies, activities, and programs, thereby demonstrating their support for our students' overall education.

On motion of Senator Teague, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 202. To authorize the Public Service Commission to grant intrastate charter rights to any common carrier of passengers by motor vehicle regardless if such common carrier holds and operates regular route authority.

CHARLES BISHOP,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

RESOLUTION

Senators Langford and Dixon offered the following Senate Joint Resolution, to-wit:

S. J. R. 158. COMMENDING MR. FRANK J. SEGO, MONTGOMERY CIVIC LEADER AND MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL EXCHANGE CLUB, ON HIS CANDIDACY FOR PRESIDENT-ELECT OF AMERICA'S EXCHANGE CLUBS.

WHEREAS, it is with a deep sense of pride and pleasure that we commend Mr. Frank J. Sego of Montgomery, Alabama, as he becomes a candidate for the high office of President-Elect of the National Exchange Club at its 66th annual convention to be held in the City of Dallas, Texas, in June, 1984, and

WHEREAS, Mr. Sego has brought honor and distinction to the State of Alabama by serving with dignity and enthusiasm during the past four years

as a member of the board of directors of the National Exchange Club. Where he has taken a leadership role in the adoption of a number of programs of service that directly benefit the people of Alabama and the Nation; and

WHEREAS, Frank Sego became a member of the Exchange Club of Montgomery in 1966 and immediately involved himself in service to his community through active support of the programs offered by the Exchange Club; and

WHEREAS, Mr. Sego became president of his Exchange Club in 1970; served as a District Director for Alabama from 1972-75; was elevated to the office of President-Elect of the Alabama District in 1975-76; becoming president in 1976; and

WHEREAS, Frank Sego was honored by being named most Outstanding Exchangeite in Montgomery; as an Outstanding District Director in the Nation and as the outstanding Alabama Exchangeite before being elected to the National Board on the first ballot in 1980; and

WHEREAS, the said Frank Sego has an enviable record of leadership through his numerous civic endeavors in Montgomery. He currently serves as president of Keep Montgomery Beautiful and the Tumbling Waters Museum of Flags; he has served as chairman of Montgomery's Crime Prevention Commission; as president of the Sales and Marketing Executives and presently serves on the board of trustees of the St. James School; the Family Violence Center and as treasurer of the Voluntary Action Center—in addition to his duties as legislative liaison for the Alabama Forestry Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA that we overwhelmingly endorse the candidacy of Frank J. Sego for the office of President-Elect of the National Exchange Club and further recommend that members of Exchange Clubs throughout America rally to the support of this outstanding Alabama civic leader.

BE IT FURTHER RESOLVED, That a copy of this resolution be circulated to appropriate officials of the National Exchange Club.

On motion of Senator Langford, the Rules were suspended and the Resolution was adopted by the Senate.

REPORTS OF COMMITTEES

Senator Langford, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Hilliard, Sanders, Figures, Pearson, and Langford (With Amendment):

S. 240. To amend Section 1-3-8 of the Code of Alabama 1975, relating to state holidays, so as to create as a state holiday the birthday of Martin Luther King, Jr., to be observed on the third Monday in January.

Senator Langford, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable

report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Smith (J):

S. 461. To amend Sections 11-46-69 and 11-46-140 of the Code of Alabama 1975, relating to grounds for contesting certain municipal elections, so as to include good faith human error as a permissible cause.

By Reps. Holmes, Kennedy, Buskey (James), Rogers, Horn, Buskey (John), Bryant, Clark (W), Black, McDowell, Melton, Spratt, Davis, Escott, and Thomas:

H. 266. To amend Section 1-3-8 of the Code of Alabama 1975, relating to observance of state holidays, so as to provide further for such holidays.

By Rep. Britnell:

H. 346. To amend sections 22-50-1 thru 22-50-6, 22-50-8 thru 22-50-17, 22-50-19, 22-50-20 and 22-50-23 of the Code of Alabama 1975, relating to the department of mental health so as to redesignate the department of mental health as the department of mental health and mental retardation; to designate the method of appointing members of the mental health and mental retardation board and to provide that such board shall be advisory, to specifically repeal Section 22-50-7, and to establish the department as a state agency responsible to the governor of Alabama.

By Senator Teague:

S. 514. To amend Section 16-3-9, Code of Alabama, 1975, which provides for a specific expense allowance for each member of the State Board of Education.

By Senator Covington:

S. 520. Relating to the abandonment of the commission form of government by Class 7 municipalities; providing for the call of a referendum on the adoption of a mayor-council form of government with five (5) single-member districts; providing for the establishment of boundaries of districts, salaries of the mayor and council, and the call of the election of mayor and council; providing for the term of office of the initial mayor and council; providing the election laws to be applied; providing for reapportionment of council districts; providing for the preservation of other officers, their powers, duties, rights, privileges, and emoluments, for the preservation and transfer of all property owned by the municipality, all contracts in force, all legal proceedings, and pension funds; providing for the continuation of all subordinate agencies of the municipality and all ordinances; providing for an effective date of this act, the repeal of all conflicting laws, and the severability of the provisions of this act.

Senator Langford, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Johnson (Roy) (With Substitute):

H. 598. To provide that the department of economic and community affairs shall be the administrative state agency for contracts for sales of certain state property heretofore administered by the finance department; to

provide for orderly transfer of certain properties and funds from the finance department to the department of economic and community affairs; to authorize the department of economic and community affairs to prescribe procedures, rules, and regulations for the administration of such contracts; to provide for collection of certain administrative fees associated with such contracts; to provide that said department shall be designated as the state agency for distribution of federally donated surplus property; to prescribe penalties for violations of this act; to provide for certain personnel for the department of economic and community affairs, and to specifically repeal Article 5, Chapter 16, Title 41, of the Code of Alabama, 1975.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Teague:

S. 331. To amend subsection (a) (3) of Section 16-25-14, Code of Alabama 1975, relating to mandatory retirement of teachers to provide that a teacher may be continued in service from year to year past the age of 70 years upon his application and approval by his employer if evidence of physical and mental fitness is furnished.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Mitchem (With Amendment):

S. 504. To provide for and authorize and establish the procedures for the incorporation of the Alabama Student Loan Authority as a public, not for profit corporation of the State; to provide for the appointment, filling of vacancies, powers, terms of office, quorum, and removal of a board of directors of the Authority; to declare the legislative policy concerning this Act and the subject matter thereof; to define certain terms used herein; to provide for the officers of the Authority and the election and removal thereof; to grant various general powers to the Authority and to specify the conditions under which such powers may be exercised; to empower the Authority to make or to acquire student loans that are guaranteed or insured under Title IV of the Federal Higher Education Act of 1965, as amended (Public Law 89-239, codified as 20 U.S.C. §§ 1071, et seq., as amended) and any student loan guarantee program of the State; to empower the Authority to assume and acquire the Alabama Higher Education Loan Corporation or its assets and liabilities and to refinance or refund outstanding obligations of such corporation; to empower the Authority to borrow money for its various corporate purposes and in evidence thereof to issue its bonds and notes and other evidences of indebtedness; to prescribe certain terms and conditions upon which the Authority may sell and issue its bonds and notes and other evidences of indebtedness; to authorize the Authority to assign and pledge its revenues, moneys or assets as security for its bonds and notes and other evidences of indebtedness; to provide that the bonds and notes and other evidences of indebtedness of the Authority shall not constitute or create a debt of the State or a charge on its credit or taxing powers; to provide that the bonds and notes and other evidences of indebtedness of the Authority shall, subject to certain conditions, constitute negotiable instruments; to authorize the creation of special debt service reserve funds and such other

funds as may be necessary or desirable for the corporate purposes of the Authority; to provide for the refunding, by the issuance and sale of refunding bonds or notes and other evidences of indebtedness, of any bonds or notes and other evidences of indebtedness theretofore issued by the Authority; to provide that Article 9 of the Alabama Uniform Commercial Code or any successor provision thereto shall apply to any security interest in any personal property created by the Authority in connection with the issuance of its bonds and notes and other evidences of indebtedness; to provide that the bonds and notes of the Authority shall be legal investments for trust and other fiduciary funds as security for deposits of funds of the State or its political subdivisions, instrumentalities or agencies, whenever such security is required; to exempt from all taxation in the State the properties, revenues and income of the Authority and the interest, and premium, if any, payable on the bonds and notes and other evidences of indebtedness of the Authority; to exempt from all laws of the State governing usury or prescribing or limiting interest rates (i) the Authority, its bonds, notes, evidences of indebtedness and other contracts and (ii) any payment constituting interest made pursuant to any obligation which constitutes all or any part of the source of payment for any of the bonds, notes or other obligations of the Authority; to exempt the Authority and all contracts made by it from all laws of the State requiring competitive bids for contract or purchase; to provide for the liberal construction of the provisions of this Act; to exempt the Authority from the supervision and control of any State agency; to provide that the Authority shall be a not-for-profit corporation and that any revenues of the Authority remaining after provision has been made for payment of the expenses, bonds and notes, shall be used to make or acquire student loans or be paid over to the State; to provide that the publication of a notice of the adoption of a resolution authorizing the issuance of bonds or notes by the Authority will establish a limited period after such publication within which must be commenced any action or proceeding questioning the validity of such bonds or notes or any instrument securing the same; to provide for the dissolution of the Authority and for the vesting of title to its properties; and to provide that the provisions of this Act shall be severable.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Grayson:

H. 122. To amend Section 16-35-1, Code of Alabama, 1975, so as to provide for the qualifications and number of the members of the State Courses of Study Committee.

By Senator Parsons:

S. 530. To amend Section 6 of Chapter 16 of Title 16 of the Code of Alabama, 1975, to add the Chancellor of Postsecondary Education as a member of the Alabama Public School and College Authority.

By Senators Corbett, Barron, and Bedford:

S. 527. To amend Section 16-11-2 of the Code of Alabama 1975 relating to the composition, qualifications and compensation of members of the city boards of education, so as to prescribe procedure for removal of such members.

By Senator Parsons:

S. 188. To require local school boards governing boards of the Department of Youth Services, the Alabama Institute for Deaf and Blind and public postsecondary institutions to provide professional leave to their employees for State Board of Education meetings, workshops and job related conferences and conventions, and professional association activities.

By Senator Mitchem:

S. 409. To provide school nurse positions for each school system through the State Department of Education.

Senator Smith (J), Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Coleman, Dutton, and Newman:

H. 379. To require city and county boards of education, the State Board of Education, the Department of Youth Services, the Alabama Institute for Deaf & Blind and the governing boards of Alabama's public senior universities to provide vehicle liability insurance to cover personal liabilities of moving vehicle accidents for bus drivers or any employee required to transport pupils.

By Rep. Zoghby:

H. 142. To provide for payment of examination fees by credit unions.

By Rep. Johnson (Roy):

H. 410. To amend Section 8-8-5, Code of Alabama 1975, relating to loans or credit sales to which usury laws do not apply, so as to reduce the amount on which interest may be negotiated notwithstanding any other law to the contrary.

By Reps. Grimsley and Mathis:

H. 359. To amend Sections 27-43-3, 27-43-6, and 27-43-15, Code of Alabama 1975, relating to legal expense insurance, so as to permit certain persons conducting life, accident and sickness insurance business to transact legal insurance business.

By Senator Smith (J):

S. 538. To amend Chapter 17 of Title 27, Code of Alabama 1975, by adding a new section to modify the method of calculating reserves on burial insurance policies.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Campbell:

H. 222. This bill proposes a constitutional amendment relating to state income taxes. It increases the maximum rate of state income taxes from five percent to six percent and preserves the deductibility of federal income taxes as provided in existing law.

The above Bill was read a second time at length as required by the Constitution.

By Senators Figures and Bedsole:

S. 372. To make an appropriation to the Louisiana, Mississippi, Alabama Rapid Rail Transit Commission.

By Senator Langford:

S. 452. To amend Section 36-29-10, Code of Alabama 1975, which provides for the election of retired state employees, and retired teachers to continue coverage under the group insurance plan by the deduction of premiums for such coverage from their monthly benefit payments, so as to allow the state to assume a portion of the cost.

By Senators Little and Corbett:

S. 477. To amend § 12-18-110 of the Code of Alabama 1975 to provide for the purchase of withdrawn or terminated service in the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama by members of the Judicial Retirement Fund and to provide credit therefor under the Judicial Retirement Fund. To provide a method of calculation for the cost of service purchased under this act and to provide a time limitation for service purchased under this act.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Barron (With Substitute):

S. 380. To update Section 40-18-31, Code of Alabama, 1975, which levies and imposes upon every corporation organized under the laws of Alabama a tax on their entire net income so as to allow separate recognition of "Subchapter S Corporations" organized under the laws of Alabama and to provide for pass-through tax treatment to shareholders of said domestic "Subchapter S Corporations" in accordance with similar provisions under federal law.

Senator deGraffenried, Chairperson of the Standing Committee on Constitutional Revision, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Campbell:

H. 234. To amend Section 40-9-24, Code of Alabama 1975, so as to make said section consistent with the adoption of an amendment to Article XI, Section 214 of the Constitution of Alabama of 1901, proposed by House Bill 233 introduced at the 1984 regular session of the Legislature of Alabama; and to provide an effective date for the Act.

Senator Denton, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Goodwin:

S. 482. To amend Section 9-17-1 of the Code of Alabama 1975, so as to redefine certain terms in provisions relating to the conservation and regulation of production of oil and gas.

By Senator Teague:

S. 407. To authorize and direct the commissioner of conservation and natural resources to return by a proper conveyance to Amos Garrett that certain parcel of real property in Baldwin County heretofore conveyed by Amos Garrett to the State of Alabama to be used for the location of a highway bridge which site was abandoned by the state for that purpose and the bridge was constructed at another site.

By Senator Teague:

S. 375. To amend Section 32-8-86, Code of Alabama 1975, relating to the removal or falsification of an identification number, registration or license plate of a vehicle or an engine, so as to provide for the forfeiture and condemnation of any item seized pursuant to this section.

By Senators Bedford, Bishop, Foshee, Covington, and Corbett:

S. 253. Relating to the further regulation of liquefied petroleum gas and the powers, duties and authority of the liquefied petroleum gas board and appointees and employees thereof; to amend Sections 9-17-100, 9-17-102, 9-17-103, 9-17-104, 9-17-105, 9-17-106 and 9-17-109 of the Code of Alabama 1975; and to provide penalties for violations.

By Senator Mitchem:

S. 494. To amend Sections 25-9-84, 25-9-88 and 25-9-171, Code of Alabama 1975, relating to coal mine safety, so as to provide further regulations regarding mine ventilation and mine electrical equipment.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Bennett (With Substitute):

S. 93. To provide for and define an additional income tax deduction for a qualified charitable contribution and for a qualified research contribution of certain personal property which is computer, scientific or technological equipment, as defined; to prescribe the conditions and calculations for such deductions; to provide that the same property does not qualify for more than one deduction; to prescribe the period for said deductions; to make the provisions retroactive and to provide for the powers and duties of the department of revenue.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Starkey:

H. 181. To amend Section 8-17-87, Code of Alabama, 1975, to provide that the inspection fee on gasoline be increased to \$.02 per gallon and the inspection fee on diesel fuel be increased to \$.02 per gallon. To amend Sec-

tion 8-17-91, Code of Alabama, 1975, as amended, to provide for distribution of permit fees, inspection fees, penalties; refund of overpayments and to provide for appropriation of funds.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Starkey (With Substitute):

H. 183. To authorize the county commissions of the several counties of this state to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in such counties not to exceed two cents (2 cents) per gallon; to provide for the collection and payment of such taxes and to provide for the distribution and the use of the funds derived therefrom; to authorize the county commissions of such counties to make reasonable rules and regulations for the collection of such taxes, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the county commissions of such counties for the collection of said taxes and to provide for countywide referendums.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Starkey:

H. 182. To amend Sections 40-12-248, 40-12-269 and 40-12-270, Code of Alabama, 1975, as amended, which relate to license taxes and registration fees on trucks and truck tractors so as to further provide for the collection, amount and distribution of such license taxes and registration fees.

By Rep. Clark (J):

H. 485. To amend further Section 40-25-23, Code of Alabama 1975, as last amended by Act No. 83-922, S. 10, 1983 Fourth Special Session, approved December 21, 1983, relating to a reallocation of a portion of the revenues derived from the taxes levied upon cigarettes authorized by Sections 40-25-2 and 40-25-41, Code of Alabama 1975, and the appropriation of so much of these revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$6,000,000 in aggregate principal amount, so as to specifically cite the act authorizing the issuance of such additional bonds of the State Industrial Development Authority; and to make this amendment retroactive to December 21, 1983.

By Rep. Clark (J):

H. 615. To amend § 40-25-2, Code of Alabama 1975, so as to levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes within this state; to amend Section 40-25-23 to provide for disposition of the proceeds of the tobacco tax; to provide for consistency in the manner of taxing cigarettes within the State of Alabama; and to repeal Sections 40-25-60, 40-25-61 and 40-25-62, Code of Alabama, 1975.

Senator Bailey, Chairperson of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Faulk, Smith, and Blakeney:

H. 431. To amend Section 2-15-133 which requires licensed livestock dealers to be covered by a bond or bond equivalent in amounts equal to purchases of livestock but in no amount less than \$10,000; to require the filing of verified financial statements; to require full payment of livestock not later than the close of the next business day; to exempt livestock dealers from the requirements of a bond or bond equivalent if they pay for livestock with United States currency, money orders or certified or cashier's checks at the time of purchase.

By Reps. Smith, Richardson, Clark (J), and Starr:

H. 554. To allow the Governor, the Director of Finance and the Commissioner of Agriculture and Industries to organize a public corporation for the purpose of issuing bonds or other debt securities to be used for constructing and maintaining an agricultural market facility and to renovate the existing Garrett Coliseum and other buildings on the Coliseum grounds; to provide procedures for the organization of said corporation; to set out powers of the corporation; to authorize the issuance of up to \$6,000,000 in securities, which shall be special obligations of the corporation, payable from specified sources and which shall not be obligations or debts of any kind of the State; to provide that not more than 60% of the proceeds of sale of such securities may be expended for the construction of an agricultural market facility and not more than 40% of such proceeds may be expended for renovation of the Coliseum and other buildings on the Coliseum grounds; to provide for methods of executing and selling such securities and for paying the principal of and any premium and interest on such securities; to provide that the monies realized from leases paid by the public for use of the market, after expenses incurred in operating the market are deducted, may be pledged and used to defray the cost of 60% of the securities; to provide that the monies obtained from the public for rents and other receipts realized from use of the Coliseum, after expenses incurred in operating the Coliseum are deducted, may be pledged and used to defray the cost of 40% of the securities; and to provide that, if all of the above funds are insufficient, then to pledge monies received from fees, licenses, permits, fines and penalties collected by the Department of Agriculture and Industries and paid into the agricultural fund, for the payment of the principal of and any premium and interest on the securities; to provide that any monies received from the sale of the securities shall only be used to construct, acquire and equip an agricultural market facility, and for renovation of the Coliseum and other buildings located on the Coliseum grounds; to provide that the State Board of Agriculture and Industries shall construct the market under the guidance of the State Building Commission; to provide that the Agricultural Center Board shall be responsible for renovation of the Coliseum and other buildings on the Coliseum grounds; to provide for the refunding of the securities and procedures for the deposit, investment and disposition of proceeds of sale of the securities; to provide for limitation of any action to contest the validity of the securities; to provide that the securities are legal investments and that the securities of the corporation and any premium and interest thereon, the property and income of the corporation,

and any public filings by it are exempt from taxation; and to provide for dissolution of the corporation.

By Reps. Smith, Richardson, Clark (J), and Starr:

H. 558. To amend Section 2-3-20, Code of Alabama (1975); to provide for farmers' market facilities throughout this State for the efficient handling and sale of agricultural and agriculture related products; to create a certain farmers' market committee to advise on matters pertaining to such facilities; to prescribe the composition of such committee and the terms, duties, meetings, regulations and compensation of its membership; to prescribe punishment for violators of regulations adopted pursuant to this Act.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Blake (With Substitute):

H. 371. To provide for an appeal by the State of Alabama in criminal cases from a decision, order, or judgment of the trial court in certain instances; to provide the procedures applicable to such appeals; and to provide how such appeals are to be governed.

By Senators Bailey, Smith (J), Cabaniss, Smith (B), Cooley, Barron, and Menton (With Substitute):

S. 127. To raise the legal age for a person to attempt to purchase, to purchase, consume, possess or to transport alcoholic beverages, and to provide criminal penalties.

By Senators Parsons, Goodwin, Bennett, Little, Bedford, Smith (B), Strong, Corbett, Bailey, and Bedsole (With Substitute):

S. 270. To provide a Crime Victims Compensation Commission, procedures relating to their appointment, terms, compensation, powers and duties; to provide provision for office, support, staff and secretarial services of such commission; to provide for awards for compensation, for economic loss under certain circumstances to qualified applicants; to provide for the limiting of awards under certain circumstances; to provide restrictions for Commission authority as to claimant and possible collateral source benefits; to provide for medical examination requirements including limited waiver of physician-patient privilege; to provide award without requirement of prosecution or conviction of any individual; to provide procedures for subrogation rights; to provide for special types of awards procedures; to provide for annual reports and their distribution; to provide further for audits of the Commission; to provide further for surety bond of members, agents and employees; to provide further for the Alabama Crime Victims Compensation Fund and payments thereto by certain persons; to provide further for the taxing or assessing of additional court costs, assessments or penalties; to provide further for the exemption of compensation from state or municipal taxation and certain writs of garnishment or attachment; to provide further for discretionary contributions by county and municipal governments; to provide further for certain persons to be ineligible for compensation; to provide further for criminal penalties to be attached to certain acts by members, agents, or employees of the Commission; to provide further for other criminal penalties in regard to claimants and other persons who perform certain acts or omissions; to provide further for other criminal penalties for

persons who perform certain acts in regard to monies or securities of the Commission held in trust or otherwise; and to provide further for other criminal penalties in regard to false claims.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Davis, Rogers, Nicholson, Pratt, Escott, Horn, Spratt, Tanner, Goodwin, Lauderdale, Clark (D), Seibels, Hall, Reed, McDowell, Grayson, Brakefield, Parker, Kennedy, Bugg, Crow, Gray, Warren, Thomas, Preuitt, Grimsley, Junkins, Blake, Browder, Carothers, Bryant, Boles, Melton, McNair, Dutton, Bowling, Rains, Hettinger, Trammell, Poole, Moore, Albright, Buskey (John), Burke, Payne, Mathis, Faulk, Hooper, Starr, Biddle, Buskey (James), Holmes, White (G), Beers, White (L), and Clark (W):

H. 625. To create the Alabama Indian Affairs Commission; to provide for its duties and membership; to provide the method of appointment and compensation of said members; and to repeal Sections 41-9-700 through 41-9-707, Code of Alabama 1975.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Covington, Goodwin, and Smith (J) (With Substitute):

S. 301. To provide that sentencing reports used by courts in sentencing criminal defendants contain a statement as to the impact of the offense upon the victim or the victim's family; to provide further that a victim or a member of a victim's family or other representative of the victim be entitled to be heard at sentencing.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Drinkard (With Notice and Proof):

S. 411. To amend Section 12 of Act No. 80-442 so as to eliminate the 90 days waiting period to draw benefits for normal retirement from the Policemen's and Firemen's Retirement Fund of the City of Gadsden, Alabama.

By Senator Teague (With Notice and Proof):

S. 443. To extend, alter and rearrange the boundary lines and corporate limits of the City of Lincoln, Talladega County, Alabama.

By Senator Dial (With Notice and Proof):

S. 450. Relating to Cleburne County; providing further for the expense allowance and salary for the county coroner.

By Senator Dial (With Notice and Proof):

S. 451. Relating to Cleburne County; to provide for the appointment of the board of registrars.

By Senator Aldridge (With Notice and Proof):

S. 455. Relating to Morgan County; to authorize the Morgan County Commission to pay the actual cost of replacing any clothing or equipment of a deputy sheriff, probation officer or juvenile detention officer of the county that is damaged or destroyed while such officer is engaged in the performance of his official duties and acting within the line and scope of his authority.

By Senator Aldridge (With Notice and Proof):

S. 456. Relating to Morgan County; to authorize the Morgan County Commission to enter into contract providing for the Sheriff of Morgan County to furnish police protection within a municipality of the county on a contract basis. To further authorize municipalities entering into such a contract police agreement to pay over to the county treasurer monies sufficient to reimburse the county treasury for expenditures necessary to provide said contract policing.

By Senators Smith (J) and Denton (With Notice and Proof):

S. 497. Relating to Lauderdale County; designating the combination of offices of tax assessor and tax collector, pursuant to Act No. 81-606, H. 1084, 1981 Regular Session, as the Revenue Commissioner; providing further for the compensation, term, election and temporary appointment of said office.

By Senator Barron (With Notice and Proof):

S. 505. Relating to county health officers or administrators in DeKalb County; authorizing such persons to issue official death certificates, and providing penalties for violation of this act.

By Senator Barron (With Notice and Proof):

S. 506. Relating to the City of Fort Payne in DeKalb County; to alter the corporate boundaries so as to include additional lands within the corporate limits.

By Senator Barron (With Notice and Proof):

S. 523. To amend Sections 2, 4, 5, 6, and 7 of Act 79-825, S. 640, 1979 Regular Session (Acts 1979, p. 1557) relating to the Jackson County Department of Public Works and to the county engineer so as to provide for the authority of the department and the selection, requirements, functions, powers, privileges, and termination of the county engineer.

By Reps. Ford and Junkins (With Notice and Proof):

H. 40. To alter or rearrange the boundary lines of the City of Gadsden, Etowah County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Etowah County, Alabama.

By Reps. Ford and Junkins (With Notice and Proof):

H. 42. Relating to the City of Gadsden, Etowah County; to repeal the provisions of Act No. 83-441, providing for a preferential referendum on the question of a mayor-council form of government and prescribing the time of the election, and repealing conflicting laws.

By Rep. Johnson (Roy) (With Notice and Proof):

H. 76. To promote the maintenance of Tuscaloosa County's natural

beauty by eliminating unsightly and unhealthy litter; to provide for the dissemination in Tuscaloosa County of information pertaining to laws relative to littering and penalties therefore; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant authority to the Tuscaloosa County Commission or other like governing body to establish and appoint, for the enforcement of littering laws in Tuscaloosa County, an agency and person empowered with the authority of peace officers as defined by state law for the primary purpose of enforcing littering laws and other laws relating to littering in Tuscaloosa County; to grant authority to the Tuscaloosa County, and to provide for a means to plea to the public to heed such laws and to help eliminate littering such county.

By Reps. Mitchell, Johnson (Roy), Brakefield, and Poole (With Notice and Proof):

H. 209. To authorize the Tuscaloosa County Board of Health to designate the services rendered by the Tuscaloosa County Health Department for which a reasonable fee may be charged. The Tuscaloosa County Board of Health is further required to set a maximum fee for each service. The Tuscaloosa County Health Department may charge and collect such fees. No citizen shall be deprived of any service because that person is unable to pay.

By Rep. Black (With Notice and Proof):

H. 239. Relating to Greene County; to provide for the distribution of the tax revenue imposed by the exclusive statewide uniform local tax on beer, to provide for the use of said tax and for the collection and administration thereof, including retirement of debt service or making lease payments to a public corporation (or a combination thereof) for a new Greene County Courthouse, renovating the existing County Courthouse, constructing a new County jail and renovating the existing County jail (or and combination thereof).

By Rep. Flowers (With Notice and Proof):

H. 246. Relating to Pike County; to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; ro provide that the provisions of this Act shall be retroactive to January 18, 1983.

By Rep. Flowers (With Notice and Proof):

H. 247. Relating to Pike County; to authorize all county law enforcement officers and the municipal law enforcement officers within Pike County to enforce the state's illegal waste dumping statutes to the same extent as Pike County health authorities are empowered to enforce such laws.

By Reps. Lauderdale, Newman, and Britnell (With Notice and Proof):

H. 387. Relating to Marion County, to provide further for the compensation of the coroner.

By Rep. Thomas (With Notice and Proof):

H. 474. Relating to Wilcox County; to give the county commission certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

By Rep. Clark (J) (With Notice and Proof):

H. 488. To authorize the Barbour County Commission to compensate a Clerk in the Sheriff's Office.

By Rep. Clark (J) (With Notice and Proof):

H. 489. Relating to Barbour County: To provide that the Sheriff shall be entitled to the allowance payable by the State for feeding prisoners.

By Rep. Clark (J) (With Notice and Proof):

H. 490. Relating to Barbour County: Fixing the fee for an issuance of a pistol permit by the Sheriff and providing for the disposition and use of the proceeds therefrom; and repealing all laws or parts of laws in conflict with the provisions of this act.

By Rep. Black (With Notice and Proof):

H. 528. Relating to Sumter County; to amend Section 2 of Act No. 176, H. 656, Regular Session 1973 (Acts 1973, p. 217), as amended, which relates to expense allowances of the members of the county commission, so as to further provide for such expense allowances and to provide for its retroactive effect.

By Rep. Faulk (With Notice and Proof):

H. 587. Relating to Butler County; providing an additional expense allowance for the county coroner; and to specifically repeal Act # 213, Acts of Alabama, Regular Session, 1951, page 475.

By Rep. White (F) (With Notice and Proof):

H. 606. Relating to Escambia County; amending Section 3 of Act No. 82-305, S. 484, relating to providing supplemental fee allowances for constables and providing additional court costs, so as to provide for an allocation to the Escambia County Juvenile Fund and to provide for the authority of the County Juvenile Court Judge to expend such funds.

By Rep. White (F) (With Notice and Proof):

H. 607. Relating to Escambia County; amending Sections 1 and 2, Act No. 82-744, H. 105, 1982 Second Special Session (Acts 1982, First, Second and Third Special Sessions, p. 215), providing for the payment, use and distribution of net monies received by the county from severance and privilege tax on oil or gas under local law, including funds received pursuant to Sections 40-20-1 through 40-20-13, Code of Alabama 1975, so as to provide further for the distribution of such proceeds and to include the funds pursuant to Act No. 83-889, H. 26, Fourth Special Session 1983, relating to revenues from submerged lands; and providing retroactive effect.

By Reps. Nicholson and Brakefield (With Notice and Proof):

H. 635. Relating to Walker County; to provide for a county legislative delegation office; to require that the county commission shall provide office space, furniture, equipment, supplies, and a salary for either a secretary or office manager who shall be hired and shall serve at the pleasure of the Walker County legislative delegation.

By Reps. Nicholson and Brakefield (With Notice and Proof):

H. 636. Relating to Walker County; providing an additional expense allowance for the coroner.

By Rep. Harvey (With Notice and Proof):

H. 658. Relating to Blount County; to repeal Act No. 214, H. 635, Regular Session 1976 (Acts 1976, p. 229), entitled "To permit hunting of deer with dogs in all counties having a population of not less than 26,725 nor more than 27,250 according to the most recent or any subsequent federal decennial census."

Senator Bedford, Chairperson of the Standing Committee on Student and Youth Activities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Covington:

S. 392. To allow persons seventeen years of age or older to donate blood without parental permission.

Senator Bishop, Chairperson of the Standing Committee on Rules reported that the following bills have been placed at the end of the Regular Order Calendar for today, to-wit:

By Senators Dixon, deGraffenried, Holmes, Smith (J), Little, and Teague (With Substitute) (With Amendment):

S. 49. To amend Section 16-8-26, Code of Alabama, 1975, which provides for personal leave for teachers, so as to provide further for said leave, and to provide for creditable service for purposes of service retirement for unused accrued sick leave.

By Senator Parsons:

S. 444. Relating to the Public Contracts Law of Alabama, and in particular Article 3 thereof, to provide that every bid made pursuant to § 41-16-50, Code of Alabama, shall include the wage rates to be paid to all laborers and mechanics under any purchases, contracts or agreements made thereunder, and to provide further that failure to comply with such requirements shall be a Class "C" felony and that any person adversely affected by any failure to pay wages to laborers and mechanics as listed in any bid hereunder or in any contract awarded pursuant to said section shall entitle the person affected to sue, in any Circuit Court in this state, for unpaid wages thereunder and attorney's fees.

Senator Bishop, Chairperson of the Standing Committee on Rules reported that the following bills have been placed on the Consent Calendar for today, to-wit:

By Senator DeGraffenried (With Amendment):

S. 115. To redefine the term "gross income" as prescribed in Title 40, Chapter 18, Article 14, Code of Alabama 1975, relating to gross income exclusions, to conform Alabama income tax exclusions to Federal income tax exclusions of employer contributions on behalf of an employee to a trust which is part of a qualified cash or deferred arrangement (as defined in 26 USCA 401(k) (2)) under which the employee has an election whether the contribution will be made to the trust or received by the employee in cash; to provide the provisions of this act shall be construed in pari materia with other law or parts of laws relating to income tax exclusions except where there is a direct conflict; and to provide an effective date.

By Senator deGraffenried:

S. 334. To adopt and incorporate into the Code of Alabama 1975 all

general and permanent laws of the State adopted by the Legislature during the 1983 First and Second Special Sessions and the 1983 Regular Session, as contained in the 1983 Cumulative Supplement to the Code of Alabama 1975 and the 1983 Replacement Volume 17 of the Code, and to make certain corrections in such cumulative supplement and replacement volume.

By Senator deGraffenried (With Substitute):

S. 60. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, replacing and superseding Article XI, specifically repealing Sections 211 through 219 and Amendments 26, 26A, 325 and 373, of the Constitution of 1901, as amended, relating to taxation and debt limitation, and all other conflicting provisions of said Constitution and amendments thereto; providing for an election thereon and prescribing an effective date for the proposed Amendment.

By Senators Smith (J), Goodwin, Dial, Foshee, Barron, Little, Cooley, Hand, Bennett, Amari, Drinkard, Covington, Strong, Bedsole, Aldridge, and Bailey:

S. 272. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said minimum term; and to amend Section 15-22-50, Code of Alabama 1975, which imposes a maximum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said maximum term.

By Senators Smith (J), Dial, Foshee, Barron, Little, Menton, Cooley, Hand, Bennett, Amari, Drinkard, Covington, Holmes, Strong, Bedsole, Aldridge, Bailey, and Goodwin:

S. 276. To amend Section 41-16-55, Code of Alabama 1975, which relates to penalties for violations of the state bid law on public contracts, so as to provide that a person who intentionally and knowingly participates in an agreement to bid at a certain price or to refrain from bidding on bids of over \$2,000, is guilty of a Class C felony and shall be punished as prescribed by law and that other violations of this section involving bids of \$2,000 or under shall be deemed a Class A misdemeanor, and shall be punished as prescribed by law.

By Senators Parsons and Strong:

S. 186. To define and regulate health studios and to provide for criminal penalties.

By Senator Parsons:

S. 105. To amend Section 16-35-1, Code of Alabama, 1975, so as to provide for the qualifications and number of the members of the State Courses of Study Committee.

MOTIONS IN WRITING

Senator Covington offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 231, on page 33 of the Eighteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the

Senate ordered said Bill, S. B. 231, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Covington then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 232, on page 8 of the Eighteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 232, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Langford offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 159, on page 25 of the Eighteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding officer of the Senate ordered said Bill, S. B. 159, referred to the Standing Committee on Rules for placement on the Consent Calendar.

BILLS ON THIRD READING

Senator Goodwin requested and received permission to suspend the Rules in order to bring up the Bill:

S. 513. To make a supplemental appropriation to the National Conference of State Legislatures for membership dues.

On motion of Senator deGraffenried, further consideration of the Bill, S. B. 513, was postponed subject to the call of the Chair.

RESOLUTION

Senator Mitchem offered the following Senate Resolution, to-wit:

S. R. 159. COMMENDING MRS. JOAN HARRISON, PRESIDENT OF THE UNITED STATES JAYCEE WOMEN.

Which was adopted.

MOTIONS IN WRITING

Senator Foshee offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 362, on page 64 of the Eighteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 362, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Foshee then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 507, on page 100 of the Eighteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 507, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTIONS

Senator Smith (J) offered the following Senate Resolution, to-wit:

S. R. 160. COMMENDING MR. JOHN J. DOBBINS OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Which was adopted.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 161. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the eighteenth legislative day of the 1984 Regular Session only:

Inst Id		Page
S. 513	National Conference of State Legislatures, supp. approp.	97
S. 436	Banks organized under st. law, auth. to engage in those activities savings and loan assocs. are auth. to engage	78
S. 274	Mental Health officials, deposition in crim. case, taking auth., Sec. 22-50-22 am'd.	30
S. 262	Law enforcement officers and firemen, death benefits to survivors incr., Sec. 36-30-2 am'd.	28
S. 73	Fishing licenses, non-resident; trip and annual; increasing the fees for.	35
S. 130	Nonprofit Corp. Act	23
S. 109	County Commission estab. in each county, emergency telephone service, emergency telephone No. 911.	80
S. 370	U.S.S. Alabama Battleship Comm., removal of membs. provided, cert. debts forgiven, Secs. 41-9-340, 41-9-343, 41-9-347, 41-9-355 am'd	65
S. 447	Competitive bids, equipment for sewers and utility systems of local gov't. exempted, Sec. 41-16-51 am'd.	79
S. 72	State employees; moving expenses; amending Section 36-7-40, Code of Ala. 1975.	46
S. 388	Obscenity laws, prohib. dial a porn. type services, Sec. 13A-12-151 am'd.	70
S. 257	Pornography, distrib. and display to minors reg., Secs. 13A-12-170, 13A-12-171, 13A-12-172, 13A-12-175, 13A-12-178, 13A-12-179 am'd., Secs. 13A-12-176, 13A-12-177 repealed.	27
S. 139	Corrections Dept. employees, uniform allowance.	30
S. 211	Dental Care Services, regulating health insurance policies and employee benefit plans providing for coverage.	9
S. 352	Alabama Village and Valley Creeks, Flood Control Auth., Est.	68
S. 425	Firefighter's salaries, political subdivisions may make rules and regulations for making payroll deductions	77
S. 193	Workmen's Compensation Law, includes employees of school systems, Secs. 25-5-13 and 25-5-50 am'd.	54

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S. 87	Child custody; "Alabama Uniform Parentage Act;" 26-12-1 through 26-12-9 repealed.	44
S. 227	Office of prosecution Services, employees eligible for st. retirement system coverage, approp., duties, Sec. 12-17-231, 12-17-233 am'd.	31
S. 56	State employees; payroll deduction from paycheck.	15
S. 146	Circuit Court Clerks and Registers, requirement to file newspapers deleted, Sec. 6-8-40 am'd.	24
S. 312	Child custody and visitation rts, petitions to modify divorce decrees re, venue reg.	46
S. 317	Education, provid. further for emergency secondary scholarship fund; Secs. 16-23-18 and 16-23-21 am'd	14
S. 325	Kindergartens, adoption and purchase of ed. materials reg., Secs. 16-36-7, 16-36-27 am'd.	
S. 21	Alabama Development Office, regulatory information service estb.	21
S. 242	Workmen's compensation, redefine terms incl. employees of Tannehill Furnace and Foundry Comm. Sec. 25-5-1 am'd.	
S. 117	Corporations, professional; date of disqualification of shareholders; Act No. 82-514 of 1982 Regular Session.	8
S. 428	FIDUCIARIES AUTHORIZED TO INVEST IN COMMON TRUST FUNDS	79
S. 126	Schools, sick leave bank estb.	66
S. 418	Bureau of Publicity and Information, change name to Bureau of Tourism and Travel, Secs. 41-7-1 and 41-7-5 am'd.	92
S. 485	Alabama Public School Corp. auth. to borrow money, make loans, obtain guarantees, insurance, surety bonds and billers of credit various Sections of Chapter 14, Title 16 am'd.	103
S. 98	Prisoner reintegration into society under supervised intensive restitution program further reg., Act 83-838, 3rd Sp. Sess. 1983, am'd.	45
S. 113	Legislators; leave options for tenured education employee legislators.	13
S. 426	Wastewater treatment facility corporations authorized to issue bonds for constr. acquiring, owning and leasing; exemptions from taxes, lic. fees, usury and interest laws, and comp. bid laws.	85

On motion of Senator Bishop, the Resolution was adopted by the Senate.

MOTION IN WRITING

Senator Langford offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 132, on page 5 of the Eighteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the

Senate ordered said Bill, S. B. 132, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Board of Trustees for Jacksonville State University.

Respectfully submitted,

ELVIN STANTON,
Executive Secretary.

Done this 10th day of April, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the Board of Trustees for Jacksonville State University for the term expiring December 28, 1987:

Tyrone C. Means
Attorney and Counsellor at Law
P. O. Box 5058
901 S. Hull Street
Montgomery, Alabama 36101

Respectfully submitted,

GEORGE C. WALLACE,
Governor.

Done this 10th day of April, 1984.

GOVERNOR'S MESSAGE

The foregoing message from His Excellency, the Governor, relative to an appointment to the Board of Trustees for Jacksonville State University was referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Savings and Loan Board:

Respectfully submitted,

ELVIN STANTON,
Executive Secretary.

Done this 10th day of April, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the Savings and Loan Board for the term expiring March 24, 1988:

Ernest Todd
3150 Airport Boulevard
Mobile, Alabama 36607

Respectfully submitted,
GEORGE C. WALLACE,
Governor.

Done this 10th day of April, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Savings and Loan Board, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the Oil and Gas Board.

Respectfully submitted,
ELVIN STANTON,
Executive Secretary.

Done this 10th day of April, 1984.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Ladies and Gentlemen:

I have appointed, subject to your confirmation, the following to the Oil and Gas Board for the term expiring October 9, 1985:

Henry A. Leslie
3332 Boxwood Drive
Montgomery, Alabama

Respectfully submitted,
GEORGE C. WALLACE,
Governor.

Done this 10th day of April, 1984.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the Oil and Gas Board, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 115. To redefine the term "gross income" as prescribed in Title 40, Chapter 18, Article 14, Code of Alabama 1975, relating to gross income exclusions, to conform Alabama income tax exclusions to Federal income tax exclusions of employer contributions on behalf of an employee to a trust which is part of a qualified cash or deferred arrangement (as defined in 26 USCA 401(k) (2)) under which the employee has an election whether the contribution will be made to the trust or received by the employee in cash; to provide the provisions of this act shall be construed in pari materia with other law or parts of laws relating to income tax exclusions except where there is a direct conflict; and to provide an effective date.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 115, to-wit:

COMMITTEE AMENDMENT TO S. B. 115

Amend Senate Bill 115 by adding on page 1, line 7 after the figure "(2)" the words and figures "and 26 USCA 403 (b)".

Further amend the bill by adding on line 20 on page 1, after the word "cash" the words and figures "or of employer contributions for an employee for an annuity contract (as provided in 26 USCA 403 (b));" and on line 31 on page 1, after the word "cash" the words and figures "or of employer contributions for an employee for an annuity contract (as provided in 26 USCA 403 (b))."

Amend Senate Bill 115 further by striking Subsection "i" on page 4 in its entirety and adding in lieu thereof the following Subsection:

"i. Contributions made by an employer on behalf of an employee to a trust which is part of a qualified cash or deferred arrangement (as defined in 26 USCA 401 (k) (2)) under which the employee has an election whether the contribution will be made to the trust or received by the employee in cash and contributions made by an employer for an employee for an annuity contract, which contributions would be excludable from the gross income (for Federal income tax purposes) of the employee in accordance with the provisions of 26 USCA 403 (b)."

Which was adopted.

Yeas 14; Nays 0.

Yeas:

Senators:	Cabaniss	Hand	Menton	
Bailey	Denton	Holmes	Smith (J)	
Bedsole	Dixon	Langford	Strong	
Bishop	Goodwin	Little		—14
Nays:				—0

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And said Bill, S. B. 115, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 19; Nays 0.

Yeas:

Senators:	Cooley	Goodwin	Menton	
Bedsole	deGraffenried	Hand	Parsons	
Bennett	Denton	Holmes	Sanders	
Bishop	Dixon	Langford	Smith (J)	
Cabaniss	Foshee	Little	Strong	—19

Nays: —0

The Bill:

S. 334. To adopt and incorporate into the Code of Alabama 1975 all general and permanent laws of the State adopted by the Legislature during the 1983 First and Second Special Sessions and the 1983 Regular Session, as contained in the 1983 Cumulative Supplement to the Code of Alabama 1975 and the 1983 Replacement Volume 17 of the Code, and to make certain corrections in such cumulative supplement and replacement volume.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Senators:	Cabaniss	Goodwin	Mitchem	
Amari	Cooley	Hand	Parsons	
Barron	Corbett	Holmes	Sanders	
Bedsole	deGraffenried	Langford	Smith (J)	
Bennett	Denton	Little	Strong	
Bishop	Foshee	Menton		—22

Nays: —0

The Bill:

S. 60. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, replacing and superseding Article XI, specifically repealing Sections 211 through 219 and Amendments 26, 26A, and 325 and 373, of the Constitution of 1901, as amended, relating to taxation and debt limitation, and all other conflicting provisions of said Constitution and amendments thereto; providing for an election thereon and prescribing an effective date for the proposed Amendment.

was taken up.

The Standing Committee on Constitutional Revision reported the following substitute for the Bill, S. B. 60, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 60

**A BILL
TO BE ENTITLED
AN ACT**

To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901, as amended, replacing and specifically repealing Sections 93, 94, 211, 212, 213, 214, 217, 218, 219, 222, 224, 225 and

226 of the Constitution of 1901, as amended, and Amendments 23, 25, 53, 61, 93, 107, 108, 116, 126, 160, 212, 225, 228, 272 and 398 to said Constitution; providing for an election thereon; and prescribing an effective date for the proposed Amendment.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and upon proclamation by the Governor:

PROPOSED AMENDMENT

ARTICLE XI

Taxation and Debt Limitation

Section 11.1 Neither the state of Alabama nor any county, city, town or other subdivision of the state shall have, or be granted by the legislature, the power to lend its credit, or to grant public money or thing of value in aid of or to any individual, private association, or private corporation whatsoever; nor shall the state (except in connection with the operation of state docks) be interested in any private or corporate enterprise; provided that nothing herein shall prohibit the legislature from (1) authorizing the investment of the public trust funds managed and administered by the state retirement systems or (2) authorizing the investment of other public funds in obligations of, or insured by, the United States government or any of its agencies or instrumentalities or in any fully insured or secured interest bearing time deposits whether or not evidenced by certificates of deposit. Except as herein permitted, neither the state nor any county, city, town or other subdivision of the state shall engage in the business of banking nor be a stockholder in any bank nor shall the credit of the state or any county, city, town or other subdivision of the state be given or loaned to any banking company, association, or corporation. Nothing contained in this section shall prohibit the legislature from authorizing the expenditure of special assessments, fees or other charges collected from the producers of agricultural, dairy, poultry, or livestock products for the general promotion of these industries nor shall any provision of this Constitution prohibit the delegation by the legislature of powers to collect fees or charges for use in the promotion of such industries.

Section 11.2 The power to levy taxes shall not be delegated to individuals or private corporations or associations.

Section 11.3 A state tax may be levied on net income and shall not exceed the rate of five percent. The revenue from this tax shall be used: (1) to replace the revenue lost to the several funds of the state by reason of the exemption of homesteads from the state ad valorem tax, and (2) the residue shall be placed in the state treasury to the credit of the Alabama Special Educational Trust Fund to be used only for the payment of public school teachers' salaries.

Section 11.4 A resident individual or a corporation organized under the law of this state shall be allowed to deduct from gross income the amount of federal income tax paid or accrued within the taxable year. A nonresident individual or foreign corporation shall be allowed to deduct only that amount of federal income tax paid or accrued in the taxable year on income received from sources within the state, to be determined in accordance with such laws as the legislature may enact.

Section 11.5 Except as prohibited by this Constitution, the legislature, in enacting laws taxing income, may define income by reference to provisions of the laws of the United States as they then exist or may prospectively be enacted, with such modification as may be prescribed by the law of this state.

Section 11.6 The legislature may provide for the assessment, levy and collection of a tax upon inheritances and for the levying of estate taxes not to exceed in the aggregate the amounts which may by any law of the United States be allowed to be credited against or deducted from any similar tax upon inheritances or taxes on estates assessed or levied by the United States on the same subject.

Section 11.7 No moneys derived from any fees, excises, or licenses taxes, levied by the state, relating to registration, operation, or use of vehicles upon the public highways except a vehicle-use tax imposed in lieu of a sales tax and except for any extra fee charged for personalized license plates, and no moneys derived from any fee, excises, or license taxes, levied by the state, relating to fuels used for propelling such vehicles except pump taxes, shall be expended for other than the cost of administering such laws, statutory refunds and adjustments allowed therein, the cost of construction, reconstruction, maintenance and repair of public highways and bridges, the costs of highway rights-of-way, payment of highway obligations, the cost of traffic regulation, and the expense of enforcing state traffic and motor vehicle laws. The provisions of this section shall not apply to any such fees, excises, or license taxes now levied by the state for school purposes for this whole state or for any county or city board of education therein.

Section 11.8 There shall be a fund in the state treasury which shall be known as the fish and wildlife fund and which shall consist of all moneys received from the sale of hunting and fishing licenses, from fines, forfeitures, and any other fee received pursuant to the fish and wildlife laws of this state or rules and regulations promulgated thereunder, all moneys derived from the sale of lands, timber or other natural resources owned by the game and fish division of the Department of Conservation, all moneys received from grants, voluntary contributions and interest on lifetime licenses, and all moneys accruing to the fish and wildlife fund from any other source. No funds accruing to the fish and wildlife fund shall be expended for any purpose other than the payment of administrative costs of the fish and wildlife activities of the Department of Conservation and for the protection, propagation, preservation or investigation of fish and wildlife or for the public use of the fish and wildlife resources of this state.

Section 11.9 State ad valorem taxes shall not be levied in excess of six and one-half mills on the assessed value of property in any one taxable year.

Section 11.10 (a) All taxable property within this state, not exempt by law, shall be divided into the following classes for the purposes of ad valorem taxation:

Class I. All property of utilities used in the business of such utilities.

Class II. All property not otherwise classified.

Class III. All agricultural, forest and single-family owner-occupied residential property, and historic buildings and sites.

Class IV. All private passenger automobiles and motor trucks of the type commonly known as "pickups" or "pickup trucks" owned and operated

by an individual for personal or private use and not for hire, rent or compensation.

(b) With respect to ad valorem taxes levied by the state, all taxable property shall be forever taxed at the same rate. Such property shall be assessed for ad valorem tax purposes according to the classes thereof as herein defined at the following ratios of assessed value to the fair and reasonable market value [except as otherwise provided in subsection (j) hereof] of such property:

Class I. 30 per centum.

Class II. 20 per centum.

Class III. 10 per centum.

Class IV. 15 per centum.

(c) With respect to ad valorem taxes levied by counties, municipalities or other taxing authorities, all taxable property shall be forever taxed at the same rate. Such property shall be assessed for ad valorem tax purposes according to the classes of property defined in subsection (a) hereof and at the same ratios of assessed value to the fair and reasonable market value thereof as fixed in subsection (b) hereof, except as otherwise provided in subsection (j) hereof and this subsection (such ratios being herein called "assessment ratios"). The governing body of any county, municipality or other taxing authority may, subject to criteria established by act of the legislature, at any time increase or decrease the assessment ratio applicable to any class of taxable property; provided, that any proposed adjustment to an assessment ratio to be made pursuant to this sentence, whether an increase or decrease, shall have been (1) proposed by the governing body of the taxing authority after a public hearing on such proposal, (2) authorized by an act of the legislature, and (3) subsequently approved by a majority vote of the qualified electors residing in the taxing authority who vote on the proposal at a special election called and held in accordance with the law governing special elections. The legislature shall enact general laws applicable to all counties, municipalities and other taxing authorities regulating and establishing criteria for the exercise of the powers granted such taxing authorities to adjust assessment ratios as hereinabove provided. Such assessment ratios as herein authorized may vary among taxing authorities so long as each such assessment ratio is uniform within a taxing authority. Any decrease in any assessment ratio pursuant to this subsection shall not jeopardize the payment of any bonded indebtedness secured by any tax levied by the taxing authority decreasing the assessment ratio. Any action authorized by this subsection to be taken by a taxing authority, or the governing body thereof, shall, other than in the case of a municipality, be taken by resolution of the governing body of the county in which such taxing authority is located acting on behalf of such taxing authority.

(d) With respect to ad valorem taxes levied by the state or by any county, municipality or other taxing authority, no class of taxable property shall have an assessment ratio of less than 5 per centum nor more than 35 per centum.

(e) A county, municipality or other taxing authority may decrease any ad valorem tax rate at any time, provided such decrease shall not (1) jeopardize the payment of any bonded indebtedness secured by such tax, or (2) preclude any such county, municipality or other taxing authority from subsequently increasing the rate of such tax to a rate not in excess of that at the time permitted by law.

(f) Any county, municipality or other taxing authority may levy ad valorem taxes in addition to those provided for in this Constitution on the effective date of this constitutional amendment, or increase the rate of ad valorem taxation above the limit otherwise provided on such effective date; provided that the proposed additional tax or increase shall have been (1) proposed by the governing body of the taxing authority after a public hearing on such proposal, (2) thereafter approved by an act of the legislature, and (3) subsequently approved by a majority of the qualified electors residing in the taxing authority who vote on the proposal at an election called and held in accordance with applicable law governing elections. Any additional tax, adjustments or other actions authorized to be levied, made or taken pursuant to this subsection and subsection (e) hereof shall be levied, made or taken by resolution of the governing body of such taxing authority, or if there is no such governing body and in the case of a taxing authority other than a municipality, by resolution of the governing body of the county in which such taxing authority is located, acting on behalf of such taxing authority. The provisions of subsections (c), (e) and (f) of this section shall not apply to ad valorem taxes levied by the state.

(g) The legislature is authorized to enact legislation to implement the provisions of this section and may provide for exemptions from taxation; provided, that unless otherwise expressly provided, no amendment to this section shall be construed to repeal any statutory exemption existing on the effective date of any such amendment hereto.

(h) Wherever any constitutional provision or statute provides for, limits or measures the power or authority of any county, municipality or other taxing authority to levy taxes, borrow money, or incur indebtedness in relation to the assessment of property therein for state taxes or for state and county taxes, such provisions shall mean as assessed for county or municipal taxes, as the case may be.

(i) Except as otherwise provided in this Constitution, or authorized prior to the effective date of this constitutional amendment, the amount of ad valorem taxes payable to the state and to all counties, municipalities and other taxing authorities with respect to any item of taxable property described as Class I property shall never exceed 2% of the fair and reasonable market value of such taxable property in any one ad valorem tax year, such amount with respect to any item of Class II property shall never exceed 1-½ % of the fair and reasonable market value of such taxable property in any one ad valorem tax year, such amount with respect to any item of Class IV property shall never exceed 1-¼ % of the fair and reasonable market value of such taxable property in any one ad valorem tax year, and such amount with respect to any item of Class III property shall never exceed 1% of the fair and reasonable market value of such taxable property in any one ad valorem tax year. Whenever the total amount of ad valorem property taxes otherwise payable by any taxpayer with respect to any item of taxable property shall exceed in any one ad valorem tax year the maximum amount of such taxes permitted by this section, such amount of taxes shall be reduced by subtracting that amount of tax due that is in excess of the amount of tax otherwise permissible under the Constitution. In connection with the taxation of any item of taxable property, the amount of tax to be subtracted with respect to each authority levying and collecting any ad valorem property tax shall be in the same proportion to the total amount of tax to be subtracted that the total number of mills on each dollar of taxable property situated in the taxing authority levied by such taxing authority bears to the total number of mills on each dollar of taxable property situated in the taxing authority levied by all taxing authorities with respect to such item of

taxable property. Before sending to any taxpayer any notice relating to the collection of ad valorem taxes, the tax collector in each county shall determine whether any portion of the amount of ad valorem property tax otherwise due with respect to any item of taxable property shall be subtracted pursuant to the provisions of this subsection and shall apportion the amount to be subtracted in accordance with the provisions of this subsection. The provisions of this subsection (i) shall apply to any ad valorem taxes that may, after the effective date of this constitutional amendment, be authorized to be levied (1) under the provisions of subsection (f) of this section, and (2) by any further amendment to this Constitution unless it is specifically stated in such amendment that such taxes shall not be subject to any reduction that might otherwise result from this subsection (i).

Any provisions of this subsection (i) to the contrary notwithstanding, this constitutional amendment shall not be construed to require any reductions in any ad valorem taxes now or hereafter authorized to be levied by the City of Mountain Brook, the City of Vestavia Hills or the City of Huntsville or by any taxing authority whose boundaries are coterminous with those of the City of Mountain Brook, the City of Vestavia Hills or the City of Huntsville.

(j) Notwithstanding any other provision of this section, taxable property defined in subsection (a) hereof as Class III property shall, upon application by the owner of such property, be assessed at the ratio of assessed value to the current use value of such taxable property and not the fair and reasonable market value of such property. The legislature may enact laws uniformly applicable to the state and all counties, municipalities and other taxing authorities establishing criteria and procedures for the determination of the current use value of any eligible taxable property and procedures for qualifying such property for assessment at its current use value. The legislature may enact laws uniformly applicable to the state and all counties, municipalities and other taxing authorities providing for the ad valorem taxation of any taxable property ceasing to qualify for current use valuation; provided, however, that any additional tax on taxable property ceasing to qualify for current use valuation shall not apply to more than the three ad valorem tax years immediately preceding such cessation of qualification (including as one such year the year in which cessation of qualification occurs).

(k) The following property shall be exempt from all ad valorem taxation: The real and personal property of the state, counties, and municipalities and property devoted exclusively to religious, educational, cemetery, or charitable purposes, household and kitchen furniture, all farm tractors, all farming implements when used exclusively in connection with agricultural property and all stocks of goods, wares and merchandise.

Section 11.11 No debt shall be created against, or incurred by, the state, nor shall any bonds, warrants, notes or other securities payable in whole or in part from state taxes, licenses or appropriations be issued, except pursuant to an act passed by a vote of three-fifths of the members elected to each house of the legislature and approval by a majority of the electors of the state voting on the question.

The following shall not constitute a debt of the state within the meaning of this section:

(1) Bonds or other securities issued by any state university, college or other institution of higher learning, or by the state board of education or other such governing board on behalf of any of the foregoing, if by their terms such bonds or other securities are not made a charge on the general

credit or any of the tax revenues of the state or any monies appropriated to such institution by the state, but are made payable solely out of tuition, fees or other revenues (from whatever source) referable to the operation of such institution; or

(2) Bonds or other securities issued by or on behalf of the state or any of its instrumentalities if by their terms they do not constitute a charge on the general credit or tax revenues of the state, but are payable solely from the revenues from specified facilities (whether or not such facilities were in existence or owned by or on behalf of the state at the time such bonds or securities were issued) or from sources other than state taxes, licenses or appropriations.

It shall be unlawful for the comptroller of the state of Alabama to draw any warrant or other order for the payment of money belonging to, or administered by, the state of Alabama upon the state treasurer, unless there is in the hand of such treasurer money appropriated and available for the full payment of the same. In case there is, at the end of any fiscal year, insufficient money in the state treasury for the payment of all proper claims presented to the state comptroller for the issuance of warrants, the comptroller shall issue warrants for that proportion of each such claim which the money available for the payment of all said claims bears to the whole, and such warrants for such prorated sums shall thereupon be paid by the state treasurer, provided, however, that appropriations for the payment of the bonded indebtedness of the state and the interest thereon shall never be subject to such proportionate reduction. At the end of each fiscal year all unpaid appropriations which exceed the amount of money in the state treasury subject to the payment of the same after the proration above provided for, shall thereupon become null and void to the extent of such excess. Any person violating any of the provisions of this section shall, on conviction, be punished by a fine of not exceeding five thousand dollars, or by imprisonment in the penitentiary for not more than two years, one or both, at the discretion of the jury trying the same, and the violation of any provisions of this section shall also be ground for impeachment.

Section 11.12 No county or municipality shall incur indebtedness in an amount which, when added to then existing indebtedness (including that incurred prior to the effective date of this section) exceeds the following percentages of the assessed value of the property assessed for taxation by such county or municipality for the preceding tax year: (1) 10 percent in the case of a county; and (2) 30 percent in the case of a municipality. The preceding debt limitation shall not apply to the following obligations:

(a) Obligations for current operating expenses in any fiscal year that mature not later than the last day of such fiscal year, made in anticipation of the collection of taxes, not exceeding 25 percent of the general revenues received in the preceding fiscal year which were available for such purposes; provided that if such obligations are not paid and retired by the end of the fiscal year in which incurred, they shall thereupon be considered to constitute indebtedness subject to the above limitation;

(b) Obligations to provide funds to pay for public improvements, the cost of which is to be assessed, in whole or in part, against the property abutting on or drained, served or benefitted by such improvements;

(c) Obligations that by their terms do not constitute a charge on the general credit or tax revenues of the obligor, but are payable solely from distributions of taxes or other revenues by the state to such obligor;

(d) Obligations of a county that by their terms do not constitute a charge on the general credit or tax revenues of the county and obligations of a public corporation designated by the county to acquire, construct, equip, operate and maintain public hospital facilities; provided that such county or corporate obligations are payable solely from taxes now or hereafter levied for hospital or other health purposes or from hospital revenues or both;

(e) Obligations that by their terms do not constitute a charge on the general credit or tax revenues of the obligor, but are payable solely from revenues from specified facilities (whether or not such facilities were in existence or owned by the obligor at the time such indebtedness was incurred) or from sources other than tax or license proceeds;

(f) Obligations of any public corporation, notwithstanding the fact that property, whether or not capable of producing income, may have been transferred to such public corporation by any county or municipality with or without consideration;

(g) Obligations of any county or municipal board of education;

(h) Obligations consisting of principal of or accrued interest on indebtedness to the extent that one or more sinking funds or trust funds shall be established for the payment of such principal or interest, provided that any such sinking fund or trust fund shall comply with the following conditions:

(1) Any such sinking fund or trust fund shall consist of (i) cash, (ii) federal securities, (iii) demand or time deposits with banks (whether or not evidenced by certificates of deposit) that are insured by an agency of the United States of America or, to the extent not so insured, are secured by collateral consisting of federal securities and having a market value (exclusive of accrued interest) not less than the amount of such deposits not so insured, or (iv) any combination of cash, federal securities or bank deposits, it being provided that, for purposes of this subsection (h), federal securities shall mean direct obligations of the United States of America or obligations unconditionally guaranteed by the United States of America as to the payment of both principal and interest; and

(2) the principal and interest maturing with respect to any federal securities or time deposits held in any such sinking fund or trust fund, together with the amount of any cash or demand deposits held therein, will provide moneys sufficient to pay any principal or accrued interest excluded from the debt limit pursuant to this subsection (h) on or before the respective maturities or due dates of such principal and interest; provided further that the legislature may by general law provide additional or different conditions under which the establishment of sinking funds or trust funds for the payment of the principal of and accrued interest on obligations of counties and municipalities shall cause the debt limitation of this section to be inapplicable to such principal and interest;

(i) Obligations incurred prior to the effective date of this section that were not, at the time incurred, chargeable to the limitations on indebtedness prescribed by Sections 224 or 225 of the Constitution of 1901, as amended;

(j) Obligations incurred by any municipality for the purpose of acquiring, providing or constructing school houses; and

(k) Obligations authorized at an election held in accordance with the provisions of Section 11.13 of this article.

Nothing in this amendment shall be construed to affect the validity of

any general obligation indebtedness incurred by any county, city or town prior to the effective date of this section, and all such indebtedness is hereby validated and confirmed except in cases where (1) such indebtedness exceeded, at the time it was incurred, any limitation on indebtedness at that time imposed by the Constitution of Alabama of 1901, as amended, or (2) the validity of such indebtedness is or was adversely adjudicated in any judicial proceeding commenced prior to the effective date of this amendment.

Section 11.13 The legislature shall have authority to pass general laws authorizing the counties, municipalities, districts or other political subdivisions of counties to issue bonds, warrants or other securities but no such bonds, warrants or other securities the issuance of which would, but for the provisions of subsection (k) of Section 11.12 hereof, be chargeable to, and in violation of, the limitation on indebtedness prescribed in said Section 11.12 shall be issued under authority of general law unless such issue of bonds, warrants or other securities be first authorized by a majority vote by ballot of the qualified voters of such county, municipality, district, or other political subdivision of a county, voting upon such proposition. The ballot used at such election shall contain the words: "For . . . issue," and "Against . . . issue" (the character of the bond, warrant or other security to be shown in the blank space), and the voter shall indicate his choice by placing a cross mark before or after the one or the other. Nothing in this section shall be construed to require an election in connection with the renewal, refunding or reissue of bonds, warrants or other securities lawfully issued.

Section 11.14 Sections 93, 94, 211, 212, 213, 214, 217, 218 219, 222, 224, 225 and 226 of the Constitution of Alabama of 1901, as amended, and Amendments 23, 25, 53, 61, 93, 107, 108, 116, 126, 160, 212, 225, 228, 272 and 398 to said Constitution are hereby repealed. Nothing contained in this Article XI shall, however, be construed to repeal any section of or amendment to this Constitution not referred to in the preceding sentence. Without in any way limiting the generality of the foregoing, Sections 215 and 216 of the Constitution of Alabama of 1901, as amended, all amendments to this Constitution levying or authorizing or providing for the levy of additional ad valorem taxes and all amendments to this Constitution authorizing or providing for the issuance of bonds, warrants or other securities in excess of any debt or other similar limitation and without the necessity of the approval of the electorate shall be and remain in full force and effect to the same extent as if this amendment had not been adopted; provided, however, that the power of any county, municipality or other taxing authority to levy and collect ad valorem taxes shall be subject to the provisions of Section 11.10 hereof.

Section 2. An election upon the proposed amendment is ordered to be held at the next general, special, primary or constitutional amendment election after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Sections 17-17-1 through 17-17-6 of the Code of Alabama 1975.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. In every

county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

Section 4. The provisions of this Act shall be effective immediately upon ratification by the people and the Governor proclaiming this amendment as required by law.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Bishop	Holmes	Parsons	
Barron	deGraffenried	Langford	Sanders	
Bedford	Denton	Little	Smith (J)	
Bedsole	Dixon	Menton	Strong	
Bennett	Hand	Mitchem		—18

Nays:

—0

And said Bill, S. B. 60, as thus amended by the substitute, was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House.

Yeas 29; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Menton	
Aldridge	Cooley	Goodwin	Parsons	
Amari	Covington	Hand	Sanders	
Bailey	deGraffenried	Hilliard	Smith (B)	
Bedford	Denton	Holmes	Smith (J)	
Bedsole	Dial	Langford	Strong	
Bennett	Dixon	Little	Teague	
Bishop	Ellis			—29

Nays:

—0

The Bill:

S. 272. To amend Section 15-18-8, Code of Alabama 1975, which imposes a minimum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said minimum term; and to amend Section 15-22-50, Code of Alabama 1975, which imposes a maximum term of confinement, upon conviction, of a sentence of 10 years or less, so as to increase said maximum term.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 12; Nays 0.

Yeas:

Senators:	Cooley	Holmes	Smith (J)	
Bailey	Goodwin	Little	Strong	
Bedford	Hand	Menton	Teague	
Bedsole				—12

Nays:

—0

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

The Bill:

S. 276. To amend Section 41-16-55, Code of Alabama 1975, which relates to penalties for violations of the state bid law on public contracts, so as to provide that a person who intentionally and knowingly participates in an agreement to bid at a certain price or to refrain from bidding on bids of over \$2,000, is guilty of a Class C felony and shall be punished as prescribed by law and that other violations of this section involving bids of \$2,000 or under shall be deemed a Class A misdemeanor, and shall be punished as prescribed by law.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Senators:	Denton	Hand	Sanders	
Aldridge	Dial	Holmes	Smith (B)	
Bedsole	Dixon	Langford	Smith (J)	
Cabaniss	Ellis	Little	Strong	
Cooley	Foshee	Menton	Teague	
Covington	Goodwin	Mitchem		—22

Nays: —0

The Bill:

S. 186. To define and regulate health studios and to provide for criminal penalties.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Hand	Parsons	
Bedford	Dial	Holmes	Smith (B)	
Bedsole	Dixon	Langford	Smith (J)	
Cabaniss	Ellis	Little	Strong	
Cooley	Goodwin	Menton		—18

Nays: —0

The Bill:

S. 105. To amend Section 16-35-1, Code of Alabama, 1975, so as to provide for the qualifications and number of the members of the State Courses of Study Committee.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Holmes	Smith (B)	
Bedsole	Dial	Langford	Smith (J)	
Bennett	Dixon	Menton	Strong	
Cooley	Goodwin	Parsons	Teague	
Corbett	Hand	Sanders		—18

Nays:

—0

On motion of Senator Parsons, the Senate reconsidered the vote by which the Bill, S. B. 105, was passed.

And on motion of Senator Parsons, further consideration of the Bill, S. B. 105, was postponed subject to the call of the Chair.

UNFINISHED BUSINESS

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

S. 458. To create the Motor Fuel Marketing Act in order to protect Alabama's consumers against major oil company monopolies; to encourage fair and honest competition and to safeguard the public against unfair practices involving the sale of motor fuel in wholesale and retail trades; to provide for enforcement of the Act and penalties for violations; and for related purposes as well as to make certain declarations.

and pending Bedford amendment, which said amendment is set out in the Journal of the Senate for the Seventeenth Legislative Day.

On motion of Senator Teague, further consideration of the Bill, S. B. 458, and pending amendment, was postponed subject to the call of the Chair.

SPECIAL ORDER

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill, having been postponed subject to the call of the Chair, prior to the adoption of S. R. 161:

S. 513. To make a supplemental appropriation to the National Conference of State Legislatures for membership dues.

And said Bill, S. B. 513, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Cooley	Goodwin	Menton
Amari	Corbett	Hilliard	Mitchem
Barron	deGraffenried	Holmes	Smith (B)
Bedsole	Denton	Little	Smith (J)
Bennett			
Bishop			
Cabaniss			

—18

Nays:

—0

The Bill:

S. 436. Relating to banks and banking: To permit, with the prior approval of the Superintendent of Banks, any bank organized under the laws of Alabama to engage in any activity or business authorized by law to a state savings and loan association, federal savings bank, federal savings and loan association or federal savings and loan association service corporation; to provide that this Act makes no changes in laws pertaining to branch banks in Alabama; to provide for construction of this Act and for authority

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of the Superintendent of Banks; to repeal all laws or parts of laws in conflict with this Act; to provide for severability of the provisions of this Act and to provide for an effective date for this Act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Cooley	Ellis	Little
Aldridge	Corbett	Goodwin	Menton
Bailey	deGraffenried	Hand	Mitchem
Barron	Denton	Hilliard	Smith (B)
Bedsole	Dial	Holmes	Smith (J)
Bishop			

—20

Nays: —0

Senator Little moved that the Senate reconsider the vote by which the Bill, S. B. 436, was passed.

On motion of Senator Bishop, the motion to reconsider was laid on the table.

Yeas 23; Nays 4.

Yeas:

Senators:	Bishop	Dial	Mitchem
Aldridge	Cabaniss	Ellis	Parsons
Amari	Cooley	Goodwin	Smith (B)
Bedford	Corbett	Hand	Smith (J)
Bedsole	deGraffenried	Holmes	Strong
Bennett	Denton	Menton	Teague

—23

Nays: Senators: Bailey, Barron, Hilliard and Little —4

The Bill:

S. 274. To amend Section 22-50-22, Code of Alabama 1975, which exempts the superintendent of, or a physician of, the mental health board from being a witness in certain cases, so as to permit depositions to be taken by the state of the superintendent or any physician of a state mental health facility or hospital in criminal proceedings, upon proper notice.

was taken up.

Senator Smith (J) offered the following substitute for the Bill, S. B. 274, to-wit:

SUBSTITUTE FOR S. B. 274

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 22-50-22, Code of Alabama 1975, which exempts the superintendent of, or a physician of, the mental health board from being a witness in certain cases, so as to permit depositions to be taken by the state of the superintendent or any physician of a state mental health facility or hospital in criminal proceedings, upon proper notice.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 22-50-22, Code of Alabama 1975, is hereby amended to read as follows:

"§ 22-50-22. Neither the superintendent nor a physician of a state mental health facility or hospital shall be compelled to attend as a witness to testify as an expert in any case or on any question of insanity or psychological medicine in the state; provided, that he shall certify, in writing, within 10 days after service of the summons, that his absence from the facility or hospital, in his best judgment, will interfere with his professional duties and the welfare of the patients under his care. But Either the defendants or the state in criminal cases and the state by the consent of the defendant and, in civil cases, either party may take the deposition of the superintendent or of any of the physicians as to all matters involving his or their expert opinion when such testimony is admissible. Depositions taken shall be governed by the same rules which are applicable to depositions taken in civil cases."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Bedsole	Goodwin	Mitchem	
Aldridge	Bennett	Hand	Parsons	
Bailey	Cabaniss	Holmes	Smith (B)	
Barron	deGraffenried	Little	Smith (J)	
Bedford	Denton	Menton	Strong	—19

Nays: —0

And said Bill, S. B. 274, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22; Nays 0.

Yeas:

Senators:	Cabaniss	Foshee	Parsons	
Aldridge	Covington	Goodwin	Pearson	
Amari	deGraffenried	Hand	Smith (B)	
Bedford	Denton	Holmes	Smith (J)	
Bedsole	Dial	Menton	Strong	
Bennett	Dixon	Mitchem		—22

Nays: —0

The Bill:

S. 262. To amend § 36-30-2, Code of Alabama 1975, so as to raise the compensation amount from \$10,000.00 to \$20,000.00 paid to dependents of peace officers or firemen killed in the performance of duty.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

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Yeas:

Senators:	Cabaniss	Ellis	Menton
Bedford	Cooley	Goodwin	Sanders
Bedsole	Covington	Hand	Smith (B)
Bennett	deGraffenried	Holmes	Smith (J)
Bishop	Denton	Little	

—18

Nays:

—0

RECESS

At 12:15 P.M., on motion of Senator Bedford, the Senate took a recess until 12:30 P.M.

The recess period having expired, the Senate was called to order by the Presiding Officer, Senator Holmes. A quorum of the Senate was present.

RESOLUTIONS

Senators Amari, Teague, Parsons, Bennett, and Cabaniss offered the following Senate Resolution, to-wit:

S. R. 162. RECOGNIZING JUDITH M. McGUIRE FOR OUTSTANDING SERVICE.

Which was adopted.

Senator Hilliard offered the following Senate Joint Resolution, to-wit:

S. J. R. 163. WELCOMING, IN COMMENDATION, PRESIDENT JIMMY CARTER TO THE STATE OF ALABAMA.

WHEREAS, James Earl (Jimmy) Carter, our nation's 39th President, was the first president from the Deep South to be elected in more than one hundred years; and

WHEREAS, a native of our neighboring State of Georgia, President Carter attended Georgia Institute of Technology in Atlanta and graduated from the United States Naval Academy at Annapolis, serving in the Navy's nuclear submarine program as an aide to Admiral Hyman Rickover; and

WHEREAS, President Carter served as Chief Executive from 1977 to 1981, during which term he was instrumental in the peace negotiations between Israel and Egypt, and ultimately was successful in obtaining the release of the 52 Americans held hostage in Iran; and

WHEREAS, we have learned with pleasure that President Carter shortly will be visiting the State of Alabama for the purpose of addressing students at Samford University; it is a visit we greatly anticipate and we indeed welcome President Jimmy Carter to our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend President Jimmy Carter from the Deep South State of Georgia and, on behalf of all Alabamians, extend to him a sincere warm welcome to Birmingham and to Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for President Carter and presented in token of a friendship we value most highly.

Which was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 73. To amend Sections 9-11-55 and 9-11-56, Code of Alabama 1975, which provides for nonresident annual and trip fishing licenses, so as to increase the fees for said licenses.

was taken up.

The Standing Committee on Agriculture, Conservation, and Forestry reported the following substitute for the Bill, S. B. 73, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 73

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 9-11-55 and 9-11-56, Code of Alabama 1975, as last amended, which provide for nonresident annual and trip fishing licenses, so as to increase certain license and issuance fees for said licenses, and to further provide for the distribution of said fees.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 9-11-55 and 9-11-56, Code of Alabama 1975, as last amended, are hereby amended to read as follows:

"Section 9-11-55. Nonresidents of the state may procure an annual fishing license which will authorize the holder thereof to fish in any of the public fresh, salt or brackish waters of this state, by filing with any person authorized to issue same an affidavit stating the applicant's age, place of residence and post office address and after paying to the person issuing said license a fee of \$10.00 in an amount as follows: (a) Mississippi nonresidents: \$20.00; (b) Tennessee nonresidents: \$15.50; (c) Georgia nonresidents: \$12.50; (d) Florida nonresidents: \$10.00; and (e) all other nonresidents: \$15.00.

"The issuing officer or authority or special agent shall be allowed a fee of \$25 \$50 for each such license issued by him, which issuing fee shall be in addition to the cost of such license. In counties where the probate judge or issuing officer is on the fee system, the issuing fee shall be retained by the probate judge or issuing officer, and in counties where the probate judge or issuing officer is on a salary basis, the fee shall be paid by him into the county treasury to the credit of the appropriate fund.

~~"Seven dollars of the said \$10.00 are~~ Eighty-five percent of the license fees is to be deposited in the state treasury to the credit of the game and fish fund and \$3.00 fifteen percent to the credit of the seafoods fund.

"Section 9-11-56. Any nonresident of this state may procure a trip fishing license in the same manner provided for other licenses provided in this article, by paying therefor the sum of ~~\$4.00~~ \$7.50, which license will authorize the holder thereof to fish in any of the public fresh, salt or brackish waters of this state for a period of seven days from the day said license was issued.

"The issuing officer or authority or special agent shall be allowed a fee of ~~\$25~~ \$50 for each such license issued by him, which issuing fee shall be in addition to the cost of such license. In counties where the probate judge or issuing officer is on the fee system, the issuing fee shall be retained by the probate judge or issuing officer, and in counties where the probate judge or

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issuing officer is on a salary basis, the fee shall be paid by him into the county treasury to the credit of the appropriate fund.

“Three dollars ~~Six dollars~~ of said \$4.00 ~~\$7.50~~ is to be deposited in the state treasury to the credit of the game and fish fund and \$1.00 to the credit of the seafoods fund.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Bishop	Denton	Hand	
Aldridge	Cooley	Dial	Holmes	
Bailey	Corbett	Dixon	Menton	
Barron	Covington	Foshee	Teague	
Bedsole	deGraffenried	Goodwin		—18

Nays: —0

And said Bill, S. B. 73, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 21; Nays 1.

Yeas:

Senators:	Cabaniss	Ellis	Little	
Aldridge	Cooley	Foshee	Menton	
Bailey	Corbett	Goodwin	Mitchem	
Barron	deGraffenried	Hand	Sanders	
Bedsole	Denton	Holmes	Smith (J)	
Bishop	Dixon			—21

Nay: Senator Teague —1

The Bill:

S. 130. To be known as the “Alabama Nonprofit Corporation Act” revising the laws of Alabama in Title 10 of the Code of Alabama 1975 providing for: definitions; general substantive provisions; formation of nonprofit corporations; amendments; merger, consolidation and sale of assets; dissolution; foreign nonprofit corporations; provides for fees and miscellaneous charges; and provide powers of probate judge or secretary of state; repealing Chapter 3 (Nonprofit Corporations) Articles 1 through 8 of Title 10 of the Code of Alabama (1975), Chapter 4, Articles 12 and 15 of Title 10 of the Code of Alabama (1975), § 10-4-261 through § 10-4-263; § 10-4-281 through § 10-4-284; and amending § 10-4-260 and § 10-4-280, Code of Alabama (1975).

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Bedsole	Corbett	Dixon
Aldridge	Cabaniss	deGraffenried	Ellis
Barron	Cooley	Denton	Foshee

Goodwin
Hand
HolmesLittle
Menton
MitchemSanders
Smith (J)Strong
Teague

—21

Nays:

—0

The Bill:

S. 109. To authorize any county commission to create a communications district in such county for the purpose of establishing a local emergency telephone service, to provide for the governing body of the district, including its powers, and to provide for funding for such district, including provisions for levying a telephone service charge.

was taken up.

The Standing Committee on Commerce, Transportation, and Utilities reported the following substitute for the Bill, S. B. 109, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 109

A BILL TO BE ENTITLED AN ACT

To authorize any municipal or county governing body to create a communications district in the respective jurisdiction of such municipality or county for the purpose of establishing a local emergency telephone service, to provide for the governing body of the district, including its powers, and to provide for funding for such district, including provisions for levying an emergency telephone service charge.

Be It Enacted by the Legislature of Alabama:

Section 1. The municipal or county governing body of any municipality or county may by ordinance create within its respective jurisdiction communications districts composed of the territory lying wholly within the municipality or of any part or all of the territory lying wholly within the county. Such districts shall be political and legal subdivisions of the state, with power to sue and be sued in their corporate names and to incur debt and issue bonds. The bonds shall be negotiable instruments and shall be solely the obligations of the district and not the state of Alabama. The bonds and the income thereof shall be exempt from all taxation in the state of Alabama. The bonds shall be payable out of the income, revenues, and receipts of the district. The bonds shall be authorized and issued by resolution of the governing authority of the district and shall be of such series; bear such date or dates; mature at such time or times, not to exceed thirty years from issuance; bear interest at such rate or rates; be in such denominations; be in such form, without coupon or fully registered without coupon; carry such registration and exchangeability privileges; be payable in such medium of payment and at such place or places; be subject to such terms of redemption; and be entitled to such priorities on the income, revenues, and receipts of the district as such resolution may provide.

All bonds shall contain a recital that they are issued pursuant to the provisions of this Act, which recitals shall be conclusive that they have been duly authorized pursuant to the provisions of this Act.

Section 2. It has been shown to be in the public interest to shorten the time required for a citizen to request and receive emergency aid. The provision of a single, primary three-digit emergency number through which

emergency services can be quickly and efficiently obtained will provide a significant contribution to law enforcement and other public service efforts by simplifying the notification of public service personnel. Such a simplified means of procuring emergency services will result in the saving of life, a reduction in the destruction of property, quicker apprehension of criminals, and ultimately the saving of monies. Establishment of a uniform emergency number is a matter of concern and interest to all citizens. It is the purpose of this Act to establish the number 911 as the primary emergency telephone number for use in communications districts created in municipalities or counties as herein provided.

Section 3. A. As used in this Act, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

(1) "Exchange access facilities" means all lines, provided by the service supplier for the provision of local exchange service, as defined in existing general subscriber services tariffs.

(2) "Tariff rate" means the rate or rates billed by a service supplier as stated in the service supplier's tariffs and approved by the Public Service Commission, which represent the service supplier's recurring charges for exchange access facilities, exclusive of all taxes, fees, licenses, or similar charges whatsoever.

(3) "District" means the communication district created pursuant to this Act.

(4) "Service supplier" means any person providing exchange telephone service to any service user throughout the county or municipality.

(5) "Service user" means any person, not otherwise exempt from taxation, who is provided exchange telephone service in the municipality or county.

(6) "E911" means Enhanced Universal Emergency Number Service or Enhanced 911 Service which is a telephone exchange communications service whereby a Public Safety Answering Point (PSAP) designated by the customer may receive telephone calls dialed to the telephone number 911. E911 Service includes lines and equipment necessary for the answering, transferring and dispatching of public emergency telephone calls originated by persons within the serving area who dial 911 but does not include dial tone first which may be made available by the service provider based on the ability to recover the costs associated with its implementation and consistent with tariffs filed with and approved by the Alabama Public Service Commission.

B. (1) The board of commissioners of the district may, when so authorized by a vote of a majority of the persons voting within the district in accordance with law, levy an emergency telephone service charge in an amount not to exceed five percent of the tariff rate. The governing body of the municipality or county may, upon its own initiative, call such a special election. Any such service charge shall have uniform application and shall be imposed throughout the entirety of the district to the greatest extent possible in conformity with availability of such service in any area of the district.

(2) If the proceeds generated by an emergency telephone service charge exceed the amount of monies necessary to fund the district, the board of commissioners shall, by ordinance, reduce the service charge rate to an amount adequate to fund the district. In lieu of reducing the service charge

rate, the board of commissioners may suspend such service charge, if the revenues generated therefrom exceed the district's needs. The board of commissioners may, by ordinance, reestablish the original emergency telephone service charge rate, or lift the suspension thereof, if the amount of monies generated is not adequate to fund the district.

(3) An emergency telephone service charge shall be imposed only upon the amount received from the tariff rate exchange access lines. If there is no separate exchange access charge stated in the service supplier's tariffs, the board of commissioners shall determine a uniform percentage not in excess of eighty-five per centum of the tariff rate for basic exchange telephone service that shall be deemed to be the equivalent of tariff rate exchange access lines, until such time as the service supplier establishes such a tariff rate. No such service charge shall be imposed upon more than one hundred exchange access facilities per person per location. Every billed service user shall be liable for any service charge imposed under this Subsection until it has been paid to the service supplier. The duty of the service supplier to collect any such service charge shall commence upon the date of its implementation, which shall be specified in the resolution calling the election. Any such emergency telephone service charge shall be added to and may be stated separately in the billing by the service supplier to the service user.

(4) The service supplier shall have no obligation to take any legal action to enforce the collection of any emergency telephone service charge. However, the service supplier shall annually provide the board of commissioners with a list of the amount uncollected, together with the names and addresses of those service users who carry a balance that can be determined by the service supplier to be nonpayment of such service charge. The service charge shall be collected at the same time as the tariff rate in accordance with the regular billing practice of the service supplier. Good faith compliance by the service supplier with this provision shall constitute a complete defense to any legal action or claim which may result from the service supplier's determination of nonpayment and/or the identification of service users in connection therewith.

(5) The amounts collected by the service supplier attributable to any emergency telephone service charge shall be due quarterly. The amount of service charge collected in one calendar quarter by the service supplier shall be remitted to the district no later than sixty days after the close of a calendar quarter. On or before the sixtieth day after the close of a calendar quarter, a return, in such form as the board of commissioners and the service supplier agree upon, shall be filed with the district, together with a remittance of the amount of service charge collected payable to the district. The service supplier shall maintain records of the amount of the service charge collected for a period of at least two years from date of collection. The board of commissioners may, at its expense, require an annual audit of the service supplier's books and records with respect to the collection and remittance of the service charge. From the gross receipts to be remitted to the district, the service supplier shall be entitled to retain as an administrative fee, an amount equal to one percent thereof.

C. In order to provide additional funding for the district, the county or municipal governing body may receive federal, state, county or municipal funds, as well as funds from private sources, and may expend such funds for the purposes of this Act.

Section 4. A. When any district is created, the governing authority of any municipality or county creating such district may appoint a board of

commissioners composed of seven members to govern its affairs, and shall fix the domicile of the board at any point within the district. The members of the board shall be qualified electors of the district, two of whom shall be appointed for terms of two years, three for terms of three years, and two for terms of four years, dating from the date of the adoption of the ordinance creating the district. Thereafter, all appointments of the members shall be for terms of four years.

B. The board of commissioners shall have complete and sole authority to appoint a chairman and any other officers it may deem necessary from among the membership of the board of commissioners.

C. A majority of the board of commissioners membership shall constitute a quorum and all official action of the board of commissioners shall require a quorum.

D. The board of commissioners shall have authority to employ such employees, experts, and consultants as it may deem necessary to assist the board of commissioners in the discharge of its responsibilities to the extent that funds are made available.

E. In lieu of appointing a board of commissioners, as provided in this Act, the governing body of any municipality or county may serve as the board of commissioners of the district, in which case it shall assume all the powers and duties of the board of commissioners as provided in this Act.

Section 5. The digits 911 shall be the primary emergency telephone number, but the involved agencies may maintain a separate secondary back-up number and shall maintain a separate number for nonemergency telephone calls.

Section 6. The emergency telephone system shall be designed to have the capability of utilizing at least one of the following four methods in response to emergency calls:

(1) "Direct dispatch method", which is a telephone service to a centralized dispatch center providing for the dispatch of an appropriate emergency service unit upon receipt of a telephone request for such services and a decision as to the proper action to be taken.

(2) "Relay method", which is a telephone service whereby pertinent information is noted by the recipient of a telephone request for emergency services, and is related to appropriate public safety agencies or other providers of emergency services for dispatch of an emergency service unit.

(3) "Transfer method", which is a telephone service which receives telephone requests for emergency services and directly transfers such requests to an appropriate public safety agency or other provider of emergency services.

(4) "Referral method", which is a telephone service which, upon the receipt of a telephone request for emergency services, provides the requesting party with the telephone number of the appropriate public safety agency or other provider of emergency services.

The board of commissioners of the district shall select the method which it determines to be the most feasible for the county or municipality.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Cooley	Ellis	Langford	
Bailey	Corbett	Foshee	Little	
Bedsole	deGraffenried	Goodwin	Mitchem	
Bishop	Denton	Hand	Smith (J)	
Cabaniss	Dixon	Holmes	Teague	—19

Nays: —0

And said Bill, S. B. 109, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Parsons	
Aldridge	deGraffenried	Hand	Sanders	
Bedford	Denton	Holmes	Smith (J)	
Bedsole	Dial	Langford	Teague	
Cooley	Dixon	Mitchem		—18

Nays: —0

The Bill:

S. 370. To amend Sections 41-9-340, 41-9-343, 41-9-347 and 41-9-355, Code of Alabama 1975, relating to the USS Alabama Battleship Commission, so as to provide for the vacation of office by a member for failure to attend meetings, to increase the monetary limits for which a contract may be executed, to provide that said park shall honor all who participated in military defense of our nation and to forgive certain debts owed by the Commission to the Alabama State Docks.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Cooley	Goodwin	Mitchem	
Barron	Denton	Hand	Parsons	
Bedford	Dial	Holmes	Sanders	
Bedsole	Dixon	Langford	Smith (J)	
Bishop	Ellis	Little	Teague	
Cabaniss	Foshee			—21

Nays: —0

The Bill:

S. 447. To amend Section 41-16-51, Code of Alabama 1975, as amended by Act No. 83-515 enacted during the 1983 Regular Session of the

Legislature of Alabama, so as to remove the exemption of existing contracts up for renewal for sanitation or solid waste collection and disposal between counties and those providing the service and to restore the previously existing exemption for equipment used and consumed in the removal and routine operation of any waterworks system, sanitary sewer system, gas or electric system owned by municipalities, counties or public corporations, boards or authorities that are agencies, departments or instrumentalities of municipalities or counties among those contracts for which competitive bidding is not required.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Langford	
Bedsole	Covington	Foshee	Little	
Bennett	deGraffenried	Goodwin	Menton	
Cabaniss	Denton	Hand	Mitchem	
Cooley	Dial	Holmes	Parsons	—19

Nays: —0

The Bill:

S. 72. To amend Section 36-7-40 of the Code of Alabama 1975 so as to further provide for the reimbursement of state employees for moving expenses.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 72, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 72

A BILL TO BE ENTITLED AN ACT

To amend Section 36-7-40 of the Code of Alabama 1975 so as to further provide for the reimbursement of state employees for moving expenses.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-7-40 of the Code of Alabama 1975 is hereby amended to read as follows:

“Section 36-7-40.

“A permanent employee of the state who moves from one community within the state to another by reason of transfer of job operation shall be entitled to receive reimbursement for his actual expenses, not to exceed \$750.00-\$1,250.00, incurred in moving his household goods whenever such transfer is made at the request of the employing state department or agency. Such expense shall not be allowed when the transfer is made at the request of the employee; provided that any transfer that is a part or the result of a lay-off by the employing state department, bureau, commission or agency shall be considered to be at the request of the employing state department, bureau, commission or agency.”

Section 2. Nothing in this act shall be construed to allow reimburse-

ment for moving expenses for new employees who relocate to accept initial appointment with any state department, bureau, commission or agency.

Section 3. Nothing in this act shall be construed to allow disconnection or reconnection of mobile homes including but not limited to leveling, plumbing, heating, air conditioning, water, etc. The state comptroller may reimburse for the actual relocation of a mobile home under the provisions of this act provided such reimbursement shall not exceed (a) the cost of transferring household goods contained therein (b) or the limitation imposed by this act.

Section 4. This act shall become effective October 1, 1984.

Which was adopted.

Yeas 16; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Holmes	
Aldridge	deGraffenried	Foshee	Langford	
Bailey	Denton	Goodwin	Little	
Bennett	Dial	Hand	Sanders	
Cooley				—16

Nays: —0

And said Bill, S. B. 72, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 19; Nays 0.

Yeas:

Senators:	Cabaniss	Dial	Hand	
Aldridge	Cooley	Dixon	Holmes	
Bailey	Corbett	Ellis	Langford	
Bennett	deGraffenried	Foshee	Little	
Bishop	Denton	Goodwin	Mitchem	—19

Nays: —0

The Bill:

S. 388. To amend the obscenity laws, specifically amending Section 13A-12-151, Code of Alabama 1975, so as to provide for the punishment of obscene communications by telephone made for commercial purposes.

was taken up.

Senator Cooley offered the following substitute for the Bill, S. B. 388, to-wit:

SUBSTITUTE FOR S. B. 388

A BILL TO BE ENTITLED AN ACT

To amend the obscenity laws, specifically amending Section 13A-12-151, Code of Alabama 1975, so as to provide for the punishment of obscene communications by telephone made for commercial purposes.

Be It Enacted by the Legislature of Alabama:

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Section 1. Section 13A-12-151 is hereby amended as follows:

"Section 13A-12-151:

It shall be unlawful for any person knowingly:

(1) To send or cause to be sent, or bring or cause to be brought, into this state, for sale or distribution, any obscene work; or

(2) Within this state, to display publicly, sell or distribute any obscene work, or to possess any obscene work with intent to exhibit it for monetary consideration, or to make, manufacture, print, prepare, publish, produce or possess any obscene work with intent to sell or distribute it; or

(3) To advertise, solicit, provide, permit, or procure communication by telephone of obscene words or language for commercial purposes; except the provisions of this subsection shall not apply to utility companies or common carriers regulated by the Alabama Public Service Commission."

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Cabaniss	Denton	Holmes	
Bailey	Cooley	Ellis	Langford	
Bedford	Corbett	Foshee	Little	
Bennett	Covington	Goodwin	Mitchem	
Bishop	deGraffenried	Hand	Smith (J)	—19

Nays: —0

And said Bill, S. B. 388, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 19; Nays 0.

Yeas:

Senators:	Cooley	Dial	Hilliard	
Bedsole	Corbett	Ellis	Holmes	
Bennett	Covington	Foshee	Little	
Bishop	deGraffenried	Goodwin	Menton	
Cabaniss	Denton	Hand	Mitchem	—19

Nays: —0

The Bill:

S. 257. To amend Sections 13A-12-170, 13A-12-171, 13A-12-172, 13A-12-175, 13A-12-178, 13A-12-179, Code of Alabama, 1975, relating to the sale, exhibition, etc., of pornographic materials to minors; to define and prohibit the display, distribution and exhibition of pornography to minors; to provide for the enjoining of violations of this Act by the circuit courts; to pro-

vide for the extradition of persons charged with violations of this Act; to provide for the forfeiture of materials used in violation of this Act; to repeal Sections 13A-12-176 and 13A-12-177, Code of Alabama, 1975; and to provide severability and effective dates.

was taken up.

Senator Goodwin offered the following amendment to the Bill, S. B. 257, to-wit:

AMENDMENT TO S. B. 257

Amend Senate Bill 257 on page 4, line 20 by striking the following: ~~ever-or content of the work material~~ and substituting in lieu thereof the words: prohibited nature of the material, as referred to in Section 13A-12-171.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Cooley	Dial	Holmes
Bailey	Corbett	Ellis	Little
Bedford	Covington	Figures	Mitchem
Bedsole	deGraffenried	Foshee	Parsons
Bennett	Denton	Goodwin	Smith (J)
Cabaniss			

—20

Nays:

—0

And said Bill, S. B. 257, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 21; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem
Aldridge	Covington	Hand	Parsons
Bailey	deGraffenried	Holmes	Smith (B)
Bennett	Dial	Little	Smith (J)
Cabaniss	Dixon	Menton	Teague
Cooley	Ellis		

—21

Nays:

—0

The Bill:

S. 139. Relating to the Alabama Department of Corrections; to provide a uniform allowance for uniformed correctional officers; and to provide an additional annual continuing appropriation to the Alabama Department of Corrections for such purpose.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 17; Nays 6.

Yeas:

Senators:	Bedford	Covington	Ellis
Aldridge	Bennett	deGraffenried	Foshee
Bailey	Corbett	Dial	Goodwin

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Hilliard Holmes	Langford Menton	Mitchem	Sanders	—17
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Nays:

Senators: Amari	Bedsole Cabaniss	Dixon Hand	Little	—6
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The Bill:

S. 211. Relating to dental practice insurance coverage in health insurance policies and employee benefit plans so as to allow any individual who has dental insurance coverage or contract benefits, the right to select any dentist of his choice to furnish the dental care provided under such plans or policies; to provide that it shall be the duty and responsibility of the commissioner of insurance to enforce the provisions of this Act; and to provide for penalties for violations as provided in Section 27-1-12 of the Code of Alabama 1975.

was taken up.

On motion of Senator Aldridge, further consideration of the Bill, S. B. 211, was postponed subject to the call of the Chair.

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Motion in Writing and ordered same returned to the Senate with a favorable report, to-wit:

MOTION IN WRITING

Notice in Writing having been given on the previous legislative day, motion is now made to amend the Senate Rules as follows:

“RULE 15. (1) Bills on third reading postponed to a day certain shall take precedence of other bills on third reading on such day, and from day to day thereafter until disposed of. Priority of postponed bills shall be in the order of their postponement.

“(2) Any bill providing for or dealing with pari-mutuel betting shall be treated as a general bill.”

Senator Smith (B) moved that further consideration be postponed until the Nineteenth Legislative Day.

Senator Teague offered a substitute motion that further consideration be postponed until the Twenty-First Legislative Day.

On motion of Senator Cooley, the motion to postpone until the Twenty-First Legislative Day was laid on the table.

Yeas 15; Nays 14.

Yeas:

Senators:	Bishop	deGraffenried	Langford	
Aldridge	Cooley	Foshee	Parsons	
Bedford	Corbett	Goodwin	Smith (J)	
Bennett	Covington	Hilliard	Strong	—15

Nays:

Senators:	Denton	Hand	Sanders	
Bailey	Dial	Holmes	Smith (B)	
Bedsole	Dixon	Little	Teague	
Cabaniss	Ellis	Menton		—14

Senator Smith (B) then offered a substitute motion that further consideration be postponed until the Twentieth Legislative Day.

On motion of Senator Cooley, said motion to postpone until the Twentieth Legislative Day was laid on the table.

Yeas 15; Nays 14.

Yeas:

Senators:	Bishop	deGraffenried	Hilliard	
Aldridge	Cooley	Dixon	Parson	
Bedford	Corbett	Foshee	Smith (J)	
Bennett	Covington	Goodwin	Strong	—15

Nays:

Senators:	Denton	Holmes	Sanders	
Bailey	Dial	Langford	Smith (B)	
Bedsole	Ellis	Little	Teague	
Cabaniss	Hand	Menton		—14

The question recurred on the motion of Senator Smith (B) that further consideration of the Motion in Writing be postponed until the Nineteenth Legislative Day.

Senator Cooley moved that the motion to postpone until the Nineteenth Legislative Day be laid on the table, which motion was lost.

Yeas 11; Nays 13.

Yeas:

Senators:	Cooley	Dixon	Parsons	
Aldridge	Corbett	Foshee	Smith (J)	
Bishop	Covington	Goodwin	Strong	—11

Nays:

Senators:	Denton	Langford	Sanders	
Bailey	Dial	Little	Smith (B)	
Bedsole	Hand	Menton	Teague	
Cabaniss	Holmes			—13

The question again recurred on the motion of Senator Smith (B) that further consideration of the Motion in Writing be postponed until the Nineteenth Legislative Day.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills, respectively, and finds same correctly engrossed, to-wit:

S. 60. To propose and provide for the submission of an amendment to

the Constitution of Alabama of 1901, as amended, replacing and specifically repealing Sections 93, 94, 211, 212, 213, 214, 217, 218, 219, 222, 224, 225 and 226 of the Constitution of 1901, as amended, and Amendments 23, 25, 53, 61, 93, 107, 108, 116, 126, 160, 212, 225, 228, 272 and 398 to said Constitution; providing for an election thereon; and prescribing an effective date for the proposed Amendment.

Also:

S. 72. To amend Section 36-7-40 of the Code of Alabama 1975 so as to further provide for the reimbursement of state employees for moving expenses.

Also:

S. 73. To amend Sections 9-11-55 and 9-11-56, Code of Alabama 1975, as last amended, which provide for nonresident annual and trip fishing licenses, so as to increase certain license and issuance fees for said licenses, and to further provide for the distribution of said fees.

Also:

S. 115. To redefine the term "gross income" as prescribed in Title 40, Chapter 18, Article 14, Code of Alabama 1975, relating to gross income exclusions, to conform Alabama income tax exclusions to Federal income tax exclusions of employer contributions on behalf of an employee to a trust which is part of a qualified cash or deferred arrangement (as defined in 26 USCA 401(k) (2)) under which the employee has an election whether the contribution will be made to the trust or received by the employee in cash or of employer contributions for an employee for an annuity contract (as provided in 26 USCA 403 (b)); to provide the provisions of this act shall be construed in pari materia with other law or parts of laws relating to income tax exclusions except where there is a direct conflict; and to provide an effective date.

Also:

S. 257. To amend Sections 13A-12-170, 13A-12-171, 13A-12-172, 13A-12-175, 13A-12-178, 13A-12-179, Code of Alabama, 1975, relating to the sale, exhibition, etc., of pornographic materials to minors; to define and prohibit the display, distribution and exhibition of pornography to minors; to provide for the enjoining of violations of this Act by the circuit courts; to provide for the extradition of persons charged with violations of this Act; to provide for the forfeiture of materials used in violation of this Act; to repeal Sections 13A-12-176 and 13A-12-177, Code of Alabama, 1975; and to provide severability and effective dates.

Also:

S. 274. To amend Section 22-50-22, Code of Alabama 1975, which exempts the superintendent of, or a physician of, the mental health board from being a witness in certain cases, so as to permit depositions to be taken by the state of the superintendent or any physician of a state mental health facility or hospital in criminal proceedings, upon proper notice.

CHARLES BISHOP,
Chairperson.

MOTION IN WRITING

Senator Mitchem offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 469, on page 88 of the Eighteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 469, referred to the Standing Committee on Rules for placement on the Consent Calendar.

FURTHER CONSIDERATION OF MOTION IN WRITING

The Senate proceeded to further consideration of the Motion in Writing offered by Senator Denton. The question was on the motion of Senator Smith (B) that further consideration be postponed until the Nineteenth Legislative Day, which motion was adopted.

BILLS ON THIRD READING RESUMED

The Bill:

S. 352. To provide for and create a public corporation for the purposes of flood control to be known as the Alabama Village and Valley Creeks Flood Control Authority. The office of the Authority is to be located in the City of Birmingham; to provide for a board of directors, prescribe the method of appointment, its duties and authorities, and to provide for employees.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 1.

Yeas:

Senators:	deGraffenried	Hand	Parsons
Bailey	Denton	Hilliard	Sanders
Bennett	Dial	Holmes	Smith (J)
Cabaniss	Foshee	Little	Strong
Corbett	Goodwin	Menton	Teague
Covington			

—20

Nay: Senator Amari

—1

The Bill:

S. 425. To provide for certain payroll deductions for full-time firefighters employed by political subdivisions in this state.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Cooley	Hand	Parsons
Aldridge	Corbett	Holmes	Sanders
Bailey	Denton	Little	Strong
Bedford	Foshee	Menton	Teague
Bennett	Goodwin	Mitchem	

—18

Nays:

—0

Senator Corbett moved that the Senate reconsider the vote by which

the Bill, S. B. 425, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

FURTHER CONSIDERATION OF S. B. 458

The Senate proceeded to further consideration of the Bill, S. B. 458. The question was on the amendment offered by Senator Bedford.

On motion of Senator Aldridge, said amendment was laid on the table.

Senator Aldridge then offered the following substitute for the Bill, S. B. 458, to-wit:

SUBSTITUTE FOR S. B. 458

**A BILL
TO BE ENTITLED
AN ACT**

To create the Motor Fuel Marketing Act in order to protect Alabama's consumers against major oil company monopolies; to encourage fair and honest competition and to safeguard the public against unfair practices involving the sale of motor fuel in wholesale and retail trades; to provide for enforcement of the Act and penalties for violations; and for related purposes as well as to make certain declarations.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known and may be cited as the "Motor Fuel Marketing Act."

Section 2. The Legislature makes the following findings with respect to the marketing of motor fuel in Alabama:

(a) Marketing of motor fuel is affected with the public interest.

(b) Unfair competition in the marketing of motor fuel occurs whenever costs associated with the marketing of motor fuel are recovered from other operations, allowing the refined motor fuel to be sold at subsidized prices. Such subsidies most commonly occur in one (1) of three (3) ways: when refiners use profits from refining of crude oil to cover below normal or negative returns earned from motor fuel marketing operations; where a marketer with more than one (1) location uses profits from one location to cover losses from below-cost selling of motor fuel at another location; and where a business uses profits from non-motor fuel sales to cover losses from below-cost selling of motor fuel.

(c) Independent motor fuel marketers (i.e., dealers, distributors, jobbers and wholesalers) are unable to survive predatory subsidized pricing at the marketing level by persons when all of an independent's income comes from marketing operations.

(d) Subsidized pricing is inherently predatory and is reducing competition in the petroleum industry, and if it continues unabated, will ultimately threaten the consuming public.

Section 3. It is hereby declared that marketing of motor fuel in Alabama is affected with the public interest. It is hereby declared to be the legislative intent to encourage fair and honest competition, and to safeguard the public against creation of monopolies or unfair methods of competition, in transactions involving the sale of, offer to sell, or inducement to sell motor fuel in the wholesale and retail trades in this state. It is further declared

that the advertising, offering for sale, or sale of motor fuel below cost or at a cost lower than charged other persons on the same marketing level with the intent of injuring competitors or destroying or substantially lessening competition is an unfair and deceptive trade practice. The policy of the state is to promote the general welfare through the prohibition of such sales. The purpose of the Motor Fuel Marketing Act is to carry out that policy in the public interest, providing for exceptions under stated circumstances, providing for enforcement and providing penalties.

Section 4. The following terms shall have the meanings ascribed to them in this section unless otherwise stated and unless the context or subject matter clearly indicates otherwise:

(a) "Person" shall mean any person, firm, association, organization, partnership, business trust, joint stock company, company, corporation or legal entity.

(b) "Motor Fuel" shall mean those products upon which the State Excise Tax levied, or defined, in Section 40-17-1 through 40-17-52 and 40-17-170, Code of Alabama 1975, as amended, is imposed.

(c) "Wholesaler" shall mean and include any person qualified as a wholesaler of motor fuel with the State Revenue Commissioner, and shall also mean and include any person, other than a buying pool defined herein, wherever resident or located, who brings or causes to be brought into this state motor fuel purchased directly from the manufacturer thereof.

(d) "Wholesale distribution" shall mean any person, or the act of any person, including any affiliate of such person, in commerce within this state, who purchases motor fuel for sale, consignment or distribution to another, or, receives motor fuel on consignment for consignment or distribution to his own motor fuel accounts or to accounts of his supplier, but shall not include a person who is an employee of, or merely serves as, a common carrier providing transportation services for such supplier.

(e) "Retailer" shall mean and include any person who is engaged in this state in the business of selling motor fuel at retail to the general public for ultimate consumption, and includes any group of persons, cooperative organizations, buying pools and any other person or group purchasing motor fuel on a cooperative basis from licensed distributors or wholesalers.

(f) "Buying pool" means and includes any combination, corporation, association, affiliation or group of retail dealers operating jointly in the purchase, sale, exchange or barter of motor fuel, the profits of which accrue directly or indirectly to such retail dealers.

(g) "Sale" or "sell" shall mean transfer for a combination, exchange, barter, gift, offer of sale, advertising for sale, soliciting an order for motor fuel and distribution in any manner or by any means whatsoever.

(h) "Sell at wholesale," "sale at wholesale" and "wholesales" shall mean and include any sale made in the ordinary course of trade or usual conduct of the wholesaler's business to a retailer for the purpose of resale.

(i) "Sell at retail," "sale at retail" and "retail sales" shall mean and include any sale for consumption or use in the ordinary course of trade or usual conduct of the seller's business.

(j) "Customary discount for cash" shall mean and include any allowance, whether a part of a larger discount or not, made to a wholesaler or retailer when such person pays for motor fuel within a limited or specified time.

(k) "Refiner" shall mean any person engaged in the production or refining of motor fuel, whether such production or refining occurs in this state or elsewhere, and includes any affiliate of such person.

(l) "Major brand" shall mean the primary trade name or trademark most commonly associated with and identified with a refiner's retail service stations, or a refiner's affiliate.

(m) "Secondary brand" shall mean a trade name or trademark, other than a major brand, used to identify a refiner's retail service stations, or those of a refiner's affiliate.

(n) "Service station" means any place of business at which motor fuels are sold at retail to the general public for ultimate consumption.

(o) "Cost to refiner" shall mean that refiners' posted terminal price to the wholesale class of trade. In the event a refiner does not regularly sell to the wholesale class of trade at that terminal or does not post such a terminal price, it may use as its cost the posted price of any other refiner at any terminal within the general trade area which has product readily available for sale to the wholesale class of trade.

(p) "Basic cost of motor fuel" shall mean whichever of the two (2) following amounts is lower, namely, (i) the invoice cost of motor fuel to the wholesaler or retailer, as the case may be, or (ii) the lowest replacement cost of motor fuel to the wholesaler or retailer, as the case may be, within five (5) days prior to the date of sale, in the quantity last purchased (whether within or before the said five-day period), less, in either of said two (2) cases, all trade discounts except customary discounts for cash, plus the full value of freight costs and any taxes which may be required by law, now in effect or hereafter enacted, if not already included in the invoice cost of the motor fuel to the wholesaler or retailer, as the case may be.

(q) "Cost to wholesaler" shall mean, as applied to wholesale distribution, the invoice or replacement cost of the motor fuel within five (5) days prior to the date of sale, in the quantity last purchased, whichever is less, less all trade discounts except customary discounts for cash, to which shall be added all applicable state, federal and local taxes, inspection fees, freight charges not otherwise included in the cost of motor fuel, cartage to the retail outlet, if paid by the wholesaler, plus the cost of doing business.

(r) "Cost to retailer" shall mean, as applied to retail sales, the invoice or replacement cost of the motor fuel within five (5) days prior to the date of sale, in the quantity last purchased, whichever is less, less all trade discounts except customary discounts for cash, to which shall be added all applicable state, federal and local taxes, inspection fees, freight costs, if paid by the retailer, plus the cost of doing business.

(s) "Cost of doing business" or "overhead expenses" shall mean and include all costs incurred in the conduct of business, including but not limited to: labor (including salaries of executives and officers), rent, interest on borrowed capital, depreciation, selling cost, maintenance of equipment, transportation or freight cost, losses due to breakage or damage, credit losses, all types of licenses, taxes, insurance and advertising.

(t) "Transfer price" shall mean and include the price used by a refiner in transferring motor fuel to itself or an affiliate for resale at another marketing level. Such price shall be determined using standard, functional accounting procedures.

(u) "Affiliate" shall mean any person who (other than by means of

franchise) controls, is controlled by or is under common control with any other person.

Section 5. All refiners engaged in commerce in this state are required to establish and publicly disclose, upon request, their transfer prices on each grade of motor fuel transferred or sold to itself or an affiliate for resale at another marketing level of distribution.

Section 6. It shall be unlawful for any person engaged in commerce in this state to sell or offer to sell motor fuel below cost or to sell or offer to sell it at a price lower than the seller charges other persons on the same day and on the same level of distribution, within the same market area.

Section 7. It shall be unlawful for any person engaged in commerce in this state to sell or transfer motor fuel to itself or an affiliate for resale at another marketing level of distribution at a transfer price that is below cost or lower than the price it charges a person who purchases for resale on the same day and at the same distribution level, within the same market area.

Section 8. (1) It is not a violation of this act if a difference exists between the transfer price or sales price of motor fuel of like grade and quality and the price charged to a person who purchases for resale, at the same level of distribution, including any discounts, rebates, allowances, services, facilities granted any of a supplier's own marketing operations in excess of those provided to a person who purchases for resale, at the same level of distribution, if the lower price is due to a cost differential incurred because of a difference in shipping method, transportation, marketing, sale or quantity, in which such motor fuel is sold.

(2) It is not a violation of this act if a difference exists in transfer price and sales price or between sales prices at the same marketing level if the lower price is established in good faith to meet an equally low price of a competitor selling the same or a similar product of like grade and quality or is exempt under Section 13 of this act.

Section 9. (1) It shall be unlawful for any wholesaler or retailer engaged in commerce in this state to sell or offer to sell motor fuel at wholesale or retail, as the case may be, with intent to injure competitors or destroy or substantially lessen competition. It shall be unlawful for any wholesaler or retailer, with intent to injure competitors or destroy or substantially lessen competition, to offer a rebate in price, to give a rebate in price, to offer a concession of any kind in connection with the sale of motor fuel. It shall be unlawful for any retailer to induce or attempt to induce or to procure or attempt to procure the purchase of motor fuel at a price less than cost to wholesaler. It shall be unlawful for any retail dealer to induce or attempt to induce or to procure or attempt to procure any rebate or concession of any kind or nature whatsoever in connection with the purchase of motor fuel. Any wholesaler or retailer who violates the provisions of this section shall be guilty of a misdemeanor and, upon conviction, be punishable by a fine of not more than One Thousand Dollars (\$1,000.00) for each day of the violation.

(2) Evidence of advertisement, offering to sell, or sale of motor fuel by any wholesaler or retailer, at less than cost to him, or evidence of any offer of a rebate in price, or the giving of a rebate in price, or an offer of a concession or the giving of a concession of any kind or nature whatsoever in connection with the sale of motor fuel, or the inducing or attempt to induce or the procuring or the attempt to procure the purchase of motor fuel at a

price less than cost to the wholesaler shall be prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.

Section 10. In all advertisements, offers for sale or sales involving two (2) or more items, at least one (1) of which items is motor fuel, at a combined price, and in all advertisements, offers of sale, or sales, involving the giving of any gift or concession of any kind whatsoever (whether it be coupons or otherwise), the wholesaler's or retailer's combined selling price shall not be below the cost to the wholesaler or the cost to the retailer, respectively, of the total of all articles, products, commodities, gifts and concessions included in such transactions, except that if any such articles, products, commodities, gifts or concessions, shall not be motor fuel, the basic cost thereof shall be determined in like manner as provided in item (p) of Section 4 of this act.

Section 11. When one wholesaler sells motor fuel to any other wholesaler, the former shall not be required to include in his selling price to the latter "cost to the wholesaler" as provided by Section 4 of this act, but the latter wholesaler, upon resale to a retailer, shall be subject to the provisions of said section.

Section 12. (1) The provisions of the Motor Fuel Marketing Act shall not apply to a sale at wholesale or a sale at retail made (a) in an isolated transaction and not in the usual course of business; (b) where motor fuel is advertised, offered for sale, or sold in a bona fide clearance sale for the purpose of discontinuing trade in such motor fuel, and said advertising, offer to sell, or sale shall state the reason thereafter and the quantity of such motor fuel advertised, offered for sale, or to be sold; (c) where motor fuel is advertised, offered for sale, or sold as imperfect or damaged, and said advertising, offer of sale or sale shall state the reason therefor and the quantity of such motor fuel advertised, offered for sale, or to be sold; (d) where motor fuel is sold upon the final liquidation of a business; or (e) where motor fuel is advertised, offered for sale, or sold by any fiduciary or other officer under the order or direction of any court.

(2) The notice required to be given under this section shall not be sufficient unless the subject of such sales is kept separate from other stocks and clearly and legibly marked with the reason for such sales, and any advertisement of such goods must indicate the same facts and the quantity to be sold.

Section 13. (1) Any wholesaler may advertise, offer to sell, or sell motor fuel at a price made in good faith to meet the price of a competitor who is rendering the same type service and is selling the same article at cost to the said competing wholesaler as defined in this act. Any retailer may advertise, offer to sell, or sell motor fuel at at price made in good faith to meet the price of a competitor who is selling the same article at cost to the said competing retailer as defined in this act. The price of motor fuel advertised, offered for sale, or sold under the exceptions specified in Section 12 of this act shall not be considered the price of a competitor and shall not be used as a basis for establishing prices below cost, nor shall the price established at a bankrupt sale be considered the price of a competitor within the purview of this section.

(2) In the absence of proof of the actual cost to the said competing wholesaler or the said competition retailer, as the case may be, such cost may be presumed to be the lowest cost to wholesalers or the lowest cost to retailers, as the case may be, within the same trading area as determined by a cost survey made pursuant to subsection (2) of Section 15 of this act.

Section 14. Any contract, express or implied, made by any person in violation of any of the provisions of this act, is illegal and void and no recovery shall be had thereon.

Section 15. (1) In determining cost to the wholesaler and cost to the retailer, the court of jurisdiction shall receive and consider as bearing on the bona fides of such cost, evidence tending to show that any person complained against under any of the provisions of this act purchased the motor fuel involved in the complaint, at a fictitious price, or upon terms, or in such a manner, or under such invoices, as to conceal the true costs, discounts or terms of purchase, and shall also receive and consider as bearing on the bona fides of such costs, evidence of the normal, customary and prevailing terms and discounts in connection with other sales of a similar nature in the trade area or state.

(2) Where a cost survey pursuant to recognized statistical and cost accounting practices has been made for trading area in which a violation of this act is committed or charged, to determine and establish on the basis of actual existing conditions the lowest cost to wholesalers or the lowest cost to retailers within the said area, the said cost survey shall be deemed competent evidence in any action or proceeding under this act as tending to prove actual cost to the wholesaler or actual cost to the retailer complained against, but any party against whom any such cost survey may be introduced in evidence shall have the right to offer evidence tending to prove any inaccuracy of such cost survey or any state of facts which would impair its probative value.

Section 16. (1) The refiner's executive officer, or representative or agent of the refiner who participates in any violation of this act, as well as the refiner itself who violates this act, shall be subject to a civil penalty not to exceed fifty thousand dollars (\$50,000.00) per violation for each offense. Any such person shall also be liable for attorney fees and shall be subject to injunctive relief. Each day that a violation of this act occurs shall be considered as a separate violation.

(2) Such penalty may be assessed and recovered in a civil action brought by the Attorney General, or by any district attorney, county counsel, or city attorney in any court of competent jurisdiction. If brought by a district attorney or county counsel, the entire amount of the penalty shall be paid to the treasury of the county in which the judgement was entered. If brought by the Attorney General, one-half of the penalty shall be paid to the treasury of the county where the action was brought and one-half shall be paid to the State Treasury. If brought by a city attorney, one-half of the penalty shall be paid to the treasury of the county and one-half to the city.

Section 17. (1) Any person injured by any violation, or who would suffer injury from any threatened violation, of this act may maintain an action in any court of equity jurisdiction to prevent, restrain, or enjoin such violation or threatened violation. If in such action a violation or threatened violation of this act shall be established, the court shall enjoin and restrain, or otherwise prohibit, such violation or threatened violation and, in addition thereto, the court shall assess in favor of the plaintiff and against the defendant the cost of suit, including reasonable attorney's fees. In such action it shall not be necessary that actual damages to the plaintiff be alleged or proved, but where alleged and proved, the plaintiff in said action, in addition to such injunctive relief and cost of suit, including reasonable attorney's fees, shall be entitled to recover from the defendant the damages sustained by him.

(2) A person injured as a result of an act or practice which violates this act may bring a civil action for appropriate relief, including an action for a declaratory judgment, injunctive relief, and for actual and exemplary damages or Five Hundred Dollars (\$500.00) per day as damages, whichever is greater. Any actual or exemplary damages found to have resulted from violations of this act shall be trebled by the court in making its award. Any action under this subsection shall be brought within two (2) years after the alleged violations occurred.

(3) The court, in making an award under subsection (2) of this section, may award court costs and reasonable attorney's fees to the prevailing party.

(4) The courts of this state are empowered with jurisdiction to hear and determine all cases brought under this section. Venue lies in any county where the defendant or any of them resides or does business or where the cause of action accrues.

Section 18. In any action brought under Section 15, 16, or 17 of this act, upon a prima facie showing of a violation, the burden of rebutting the prima facie case thus made by showing justification shall shift to the defendant. A prima facie showing of a violation shall be constituted if the plaintiff shows:

(a) That the plaintiff's purchase price from a refiner is greater than said refiner's transfer price; or

(b) That the plaintiff's purchase price from a refiner plus the plaintiff's cost of doing business is greater than said refiner's retail posted sales price; or

(c) That the plaintiff's basic cost of motor fuel plus the plaintiff's cost of doing business is greater than the posted sales price at a retail location of a competitor, within the plaintiff's marketing area, suspected of selling motor fuel in violation of this act.

Section 19. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 20. All laws or parts of laws which conflict with this act are repealed.

Section 21. This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming law.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 109. To authorize any municipal or county governing body to create a communications district in the respective jurisdiction of such municipality or county for the purpose of establishing a local emergency telephone service, to provide for the governing body of the district, including its powers, and to provide for funding for such district, including provisions for levying an emergency telephone service charge.

Also:

S. 388. To amend the obscenity laws, specifically amending Section 13A-12-151, Code of Alabama 1975, so as to provide for the punishment of obscene communications by telephone made for commercial purposes.

CHARLES BISHOP,
Chairperson.

FURTHER CONSIDERATION OF S. B. 458

The Senate proceeded to further consideration of the Bill, S. B. 458. The question was on the substitute offered by Senator Aldridge.

And said substitute was then adopted.

Yeas 26; Nays 2.

Yeas:

Senators:	Cooley	Foshee	Mitchem	
Aldridge	Corbett	Goodwin	Parsons	
Bailey	Covington	Hand	Sanders	
Barron	deGraffenried	Holmes	Smith (B)	
Bedford	Denton	Langford	Smith (J)	
Bedsole	Dixon	Little	Teague	
Cabaniss	Ellis	Menton		—26

Nays: Senators: Amari and Hilliard —2

And said Bill, S. B. 458, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 23; Nays 7.

Yeas:

Senators:	Corbett	Goodwin	Parson	
Aldridge	Covington	Hand	Sanders	
Bailey	deGraffenried	Holmes	Smith (B)	
Bedford	Denton	Langford	Smith (J)	
Bedsole	Dial	Menton	Strong	
Cooley	Foshee	Mitchem	Teague	—23

Nays:

Senators:	Bennett	Dixon	Hilliard	
Amari	Cabaniss	Ellis	Little	—7

Senator Aldridge moved that the Senate reconsider the vote by which the Bill, S. B. 458, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

FURTHER CONSIDERATION OF S. B. 211

The Senate proceeded to further consideration of the Bill, S. B. 211.

INTERIM COMMITTEE REPORT FILED

Pursuant to the provisions of Act 75-1218, H. B. 1917, of the 1975 Regular Session, the report of the Joint Highway Committee was read and ordered filed with the Secretary.

FURTHER CONSIDERATION OF S. B. 211

The Senate proceeded to further consideration of the Bill, S. B. 211.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Britnell, Lauderdale, and Newman (With Notice and Proof):

H. 705. To authorize the Marion County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 705, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Newman (With Notice and Proof):

H. 714. Relating to Lamar County; to amend Section 1 of Act No. 82-511, H. 796, of the 1982 Regular Session so as to provide that twenty-five percent of all funds accruing to Lamar County from the oil and gas privilege tax pursuant to Sections 40-20-1 through 40-20-13 of the Code of Alabama 1975, shall be transferred to the county board of education; and to provide that the funds so transferred shall be spent by the county board of education for capital improvement or for the purchase of school buses.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 714, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Onderdonk (With Notice and Proof):

H. 737. Relating to Washington County; providing for an expense allowance, payable from the county general fund, for the Circuit Clerk of the county; specifically repealing Act No. 81-177, H. 618, Regular Session 1981 (Acts 1981, p. 202), and repealing conflicting laws, all relating to the compensation of the Circuit Clerk of Washington County; providing that such expense allowance shall be calculated on a certain percentage of the state compensation for such official.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 737, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Mes-

sage from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 705, 714, and 737. To the Committee on Local Legislation No. 1.

FURTHER CONSIDERATION OF S. B. 211

The Senate proceeded to further consideration of the Bill, S. B. 211.

And said Bill, S.B. 211, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Cooley	Ellis	Mitchem
Aldridge	Corbett	Goodwin	Parsons
Bailey	deGraffenried	Holmes	Sanders
Bedsole	Denton	Langford	Strong
Bennett	Dixon	Little	Teague
Cabaniss			

—20

Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

S. 193. To amend Sections 25-5-13 and 25-5-50, Code of Alabama, 1975, so as to remove certain exceptions from compulsory participation.

was taken up.

The Standing Committee on Education reported the following substitute for the Bill, S. B. 193, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 193

A BILL TO BE ENTITLED AN ACT

To amend Sections 25-5-13 and 25-5-50, Code of Alabama, 1975, so as to provide for certain additions and to remove certain exceptions from compulsory participation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 25-5-13, Code of Alabama, 1975, is hereby amended to read as follows:

"§ 25-5-13. (a) The provisions of this chapter shall be applicable to the employees of all counties and all municipalities having populations greater than 2,000 according to the most recent federal decennial census, and the provisions of this chapter shall govern in their employment. The provisions of this chapter shall be applicable also to the employees of all county and city boards of education and all employees of the two-year colleges under the control of the State Board of Education, and the provisions of this chapter shall govern in their employment. The employees of all school systems and institutions, counties, and each municipality covered under the provisions of this section above shall have available to them all the rights and remedies provided under this chapter. The governing bodies body of all school systems and institutions, counties, and of each municipality covered under the provisions of this section shall file all necessary employer reports

and notices required at the times and in the manner prescribed in this chapter.

(b) Notwithstanding the provisions of subsection (a) of this section, the provisions of this chapter shall not apply to any city which has a population of 250,000 or more according to the last or any subsequent decennial federal census, to any park and recreation board now or hereafter established for such cities to any board or agency now or hereafter authorized and established by the governing body of such cities nor to employees of any such city or of any such board or agency.

Section 2. Section 25-5-50, Code of Alabama, 1975, is hereby amended to read as follows:

"§ 25-5-50. This article and article 2 of this chapter shall not be construed or held to apply to domestic servants, to farm laborers whose employers have not filed an election to become subject to this chapter or to persons whose employment at the time of the injury is casual and not in the usual course of the trade, business, profession or occupation of the employer or to any employer who regularly employs less than three employees in any one business or to any municipality having a population of less than 2,000 according to the most recent federal decennial census. ~~or any school district.~~ Any individual employer, as defined in section 25-5-1 hereof, any employer who regularly employs less than three employees in any one business, any farmer, or any municipality having a population of less than 2,000 according to the most recent federal decennial census ~~or any school district~~ may accept the provisions of this article and article 2 of this chapter by filing written notice thereof with the department of industrial relations, a copy thereof to be posted at the place of business of said employer; provided further, that any employer who has so elected to accept the provisions of this article and article 2 of this chapter may at any time withdraw the acceptance by giving like notice of withdrawal.

Notwithstanding the foregoing paragraph, any officer of a corporation may elect annually to be exempt from coverage by filing written certification of such election with the department of industrial relations and his insurance carrier.

A corporate officer who has exempted himself by proper certification from coverage may at the end of any calendar year revoke such exemption and thereby accept coverage by filing written certification of his election to be covered with the department of industrial relations and his insurance carrier.

The certification for exemption or reinstatement of coverage shall become effective on the first day of the calendar month following the filing of the certification of exemption or reinstatement of coverage with the department of industrial relations.

In the event that the corporate officer election occurs, such election shall not relieve the employer from continuing coverage for all other eligible employees who may have been covered prior to the election or who may subsequently be employed by the firm."

Section 2. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 3. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this Act shall become effective on August 15, 1984.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Cooley	Foshee	Mitchem	
Barron	Corbett	Goodwin	Parsons	
Bedford	deGraffenried	Holmes	Sanders	
Bedsole	Denton	Little	Strong	
Cabaniss	Ellis	Menton	Teague	—19

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Browder, Drake, Brakefield, Turnham, Grouby, Crow, Smith, Butler, Campbell, Martin, Richardson, Flowers, Preuitt, White (G), Beers, Bachus, Bowling, Blake, Kennedy, Davis, Mathis, Tanner, Parker, Junkins, Holley, Clark (D), Mitchell, Newman, Nicholson, Clark (J), Ford, Coleman, Bugg, Johnson (R.G.), Lauderdale, Biddle, Trammell, Johnson (Roy), Lindsey, Clark (W), Zoghby, Bryant, White (L), Blakeney, Poole, Starkey, Goodwin, Hettinger, Albright, Harvey, McDowell, Pratt, Spratt, Gray, Carothers, Perdue, Burke, Thomas, Melton, Grimsley, Warren, and Onderdonk:

H. 670. Relating to educational reform; providing for a comprehensive plan for improving instruction in science, mathematics, computer education and other designated critical areas; providing for a scholarship loan program to attract able students into the teaching profession in subjects of mathematics, science, computer education and other critical areas; providing a program for certified teachers to add to their certificate mathematics, science, computer education and other critical areas; providing a program whereby provisionally certified persons with extensive preparation in mathematics, science and computer education may serve as an emergency source of teachers; providing rigorous in-service training for public school personnel; amending Sections 16-23-18, 16-23-20, 16-23-21 and 16-23-23, Code of Alabama 1975, and repealing Section 16-23-19, Code of Alabama 1975, all relating to emergency secondary education scholarships, so as to transfer authority for the administration of the scholarships from the state board of education to the Alabama commission on higher education; creating and providing for the governor's educational reform commission; and providing for appropriations to carry out the provisions of this act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 670. To the Committee on Education.

FURTHER CONSIDERATION OF S. B. 193

The Senate proceeded to further consideration of the Bill, S. B. 193, as amended.

Senator Mitchem offered the following amendment to the Bill, S. B. 193, as amended by the substitute, to-wit:

AMENDMENT TO S. B. 193, AS AMENDED

In Section 4, on page 3, line 38, delete the period and insert in lieu thereof:

“Provided, however, the provisions of this amendatory act shall not be in effect until sufficient funds are appropriated from the Special Educational Trust Fund to implement said provisions; and further provided that nothing contained herein shall prohibit any school board that voluntarily elects to provide such coverage from doing so with local or other available funds.”

MOTION IN WRITING

Senator Holmes offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 378, on page 95 of the Eighteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 378, referred to the Standing Committee on Rules for placement on the Consent Calendar.

FURTHER CONSIDERATION OF S. B. 193

The Senate proceeded to further consideration of the Bill, S. B. 193, as amended. The question was on the amendment offered by Senator Mitchem.

Senator Corbett moved that said amendment be laid on the table, which motion was lost.

Yeas 9; Nays 14.

Yeas:

Senators:	Cooley	Holmes	Strong	
Bedford	Corbett	Parsons	Teague	
Bennett	Foshee			—9

Nays:

Senators:	Covington	Goodwin	Mitchem	
Barron	Denton	Hand	Smith (B)	
Bedsole	Dixon	Little	Smith (J)	
Cabaniss	Ellis	Menton		—14

And said amendment was then adopted.

Yeas 15; Nays 11.

Yeas:

Senators:	Cabaniss	Dixon	Hand
Barron	Covington	Ellis	Little
Bedsole	Denton	Goodwin	Menton

Mitchem	Smith (B)	Smith (J)	Teague	—15
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Nays:

Senators:	Bedford	Ellis	Holmes	
Aldridge	Cooley	Foshee	Parsons	
Amari	Corbett	Hilliard	Sanders	—11

Senator Corbett moved that further consideration of the Bill, S. B. 193, as amended by the substitute, as amended, be postponed subject to the call of the Chair.

Senator Mitchem moved that the motion to postpone be laid on the table, which motion was lost.

Yeas 14; Nays 14.

Yeas:

Senators:	Covington	Goodwin	Mitchem	
Barron	Denton	Hand	Smith (B)	
Bedsole	Dixon	Little	Smith (J)	
Cabaniss	Ellis	Menton		—14

Nays:

Senators:	Bennett	Hilliard	Sanders	
Aldridge	Cooley	Holmes	Strong	
Amari	Corbett	Langford	Teague	
Bedford	Foshee	Parsons		—14

Senator Mitchem offered a substitute motion, requesting unanimous consent that further consideration of the Bill, S. B. 193, as amended, be postponed, and placed at the end of the Special Order Calendar, which motion was adopted.

BILLS ON THIRD READING RESUMED

The Bill:

S. 87. To provide for the enactment of the Alabama Uniform Parentage Act, creating a civil cause of action in the courts of this state for the determination of paternity for the purposes of support and other reasons; to provide for the definition of the parent and child relationship and methods for the establishment of said relationship; to provide for a presumption of paternity; to provide for the jurisdiction of actions to determine paternity and support under this Act in those courts exercising jurisdiction over juvenile proceedings; to provide for the venue and service of process in said proceedings; to provide for the determination of the existence or non-existence of the father and child relationship and when and by whom these actions may be brought; to specifically provide that applicable sections of the Criminal Code shall remain available for the enforcement of a child's right to support; to provide for court-ordered blood tests, the selection of expert witnesses and evidence relating to paternity and the admissibility of such evidence; to provide for court orders determining paternity and the payment of support and the enforcement of such orders by the mother, the child or public authorities furnishing expenses and support; to provide that written agreements for support shall be enforceable by the courts; to provide that any party may be represented by an attorney and that the district attorney, special prosecutor and other attorney authorized to represent the State of Alabama shall prosecute all proceedings under this Act; to provide a statute of limitations for paternity actions under this act; to provide that

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any interested party may also bring an action to determine the existence or non-existence of the mother and child relationship; to provide for the issuance of a new birth certificate upon a determination of paternity; to further provide for the appeal of judgments rendered pursuant to this Act to the circuit court for a trial de novo and by a jury, if demanded; to provide for the treatment of the husband of a woman who has been the subject of artificial insemination with his consent, as the natural father of a child born thereof; and to specifically repeal Sections 26-12-1 through 26-12-9, Code of Alabama 1975.

was taken up.

Senator Cooley offered the following amendment to the Bill, S. B. 87, to-wit:

AMENDMENT TO S. B. 87

Senate Bill 87 is amended as follows: On page 18, line 27 at the end of Section 21 (a) insert the following language:

"The supervising physician shall not be liable to any person, including the wife, the husband, or a child resulting from an artificial insemination procedure, for the release of any information pertaining to the artificial insemination which occurs through accident, error, omission, inadvertence or the intentional conduct, without malice, of the physician or his agents, servants, or employees."

Which was adopted.

Yeas 14; Nays 0.

Yeas:

Senators:	Corbett	Holmes	Parsons	
Aldridge	deGraffenried	Langford	Sanders	
Bedsole	Dixon	Little	Strong	
Cabaniss	Goodwin	Mitchem		—14

Nays:

—0

MOTION TO ADJOURN

Senator Cooley moved that when the Senate adjourns today, it adjourn to meet again on Tuesday, April 17, 1984, at 2 o'clock P.M., which motion was adopted.

FURTHER CONSIDERATION OF S. B. 87

The Senate proceeded to further consideration of the Bill, S. B. 87, as amended,

And said Bill, S. B. 87, as amended, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 23; Nays 0.

Yeas:

Senators:	Cooley	Ellis	Little	
Amari	Corbett	Foshee	Mitchem	
Bailey	Covington	Goodwin	Parsons	
Bedsole	deGraffenried	Hand	Smith (B)	
Bennett	Denton	Holmes	Strong	
Cabaniss	Dixon	Langford	Teague	—23

Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

S. 227. To amend Sections 12-17-231 and 12-17-233, Code of Alabama 1975, relating to the Office of Prosecution Services, so as to provide that employees of said office shall be eligible for membership in the state employees' retirement system; to authorize legislative appropriations to the office; and to further define the program of the Office of Prosecution Services.

was taken up.

On motion of Senator Foshee, further consideration of the Bill, S. B. 227, was postponed subject to the call of the Chair.

RESOLUTION

Senator Bedford offered the following Senate Resolution, to-wit:

S. R. 164. COMMENDING MRS. JUDY YOUNG OF HAMILTON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Which was adopted.

BILLS ON THIRD READING RESUMED

The Bill:

S. 56. To further provide for payroll deductions for state employees. was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Denton	Hand	Parsons	
Aldridge	Dixon	Holmes	Sanders	
Bailey	Ellis	Langford	Strong	
Bedford	Foshee	Little	Teague	
Bennett	Goodwin	Mitchem		—18

Nays:

—0

FURTHER CONSIDERATION OF S. B. 227

The Senate proceeded to further consideration of the Bill, S. B. 227.

And said Bill, S. B. 227, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 17; Nays 1.

Yeas:

Senators:	Corbett	Foshee	Langford	
Aldridge	deGraffenried	Goodwin	Mitchem	
Amari	Denton	Hand	Parsons	
Bailey	Dixon	Holmes	Teague	
Bennett	Ellis			—17

Nay: Senator Little

—1

BILLS ON THIRD READING RESUMED

The Bill:

S. 146. To amend Section 6-8-40, Code of Alabama, 1975, so as to delete the requirement that clerks of the several circuit courts and registers must subscribe for, take and file in their offices copies of newspapers.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Bedsole	Foshee	Mitchem	
Aldridge	Bennett	Hand	Parsons	
Amari	Corbett	Holmes	Strong	
Bailey	deGraffenried	Langford	Teague	
Barron	Denton	Little		—18

Nays: —0

The Bill:

S. 312. To provide further for venue with respect to filing petitions to modify divorce decrees relating to child custody and visitation rights.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Bedsole	Foshee	Little	
Aldridge	Bennett	Goodwin	Mitchem	
Amari	Corbett	Hand	Smith (B)	
Bailey	deGraffenried	Holmes	Strong	
Barron	Denton	Langford	Teague	
Bedford	Dixon			—21

Nays: —0

The Bill:

S. 317. To amend Sections 16-23-18 and 16-23-21 of the Code of Alabama 1975, relating to teacher training and certification, so as to provide further for the emergency secondary education scholarship fund and for regulations and certain penalties relating to recipients of such scholarships.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 317, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 317

**A BILL
TO BE ENTITLED
AN ACT**

To amend Sections 16-23-18 and 16-23-21 of the Code of Alabama 1975, relating to teacher training and certification, so as to provide further

for the emergency secondary education scholarship fund and for regulations and certain penalties relating to recipients of such scholarships.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 16-23-18 and 16-23-21 of the Code of Alabama 1975 are hereby amended to read as follows:

“§ 16-23-18.

“(a) The state board of education shall establish a scholarship program entitled, ‘emergency secondary education scholarships.’ The scholarship fund shall be ~~limited to \$50,000.00~~ not less than \$100,000 annually appropriated from the Alabama special educational trust fund. The state board of education shall be responsible for determining the number of scholarships to be awarded and the amount designated for each scholarship recipient. The amount of each scholarship may vary according to the cost of attendance at various institutions of higher education in Alabama. The maximum allocation per full-time student shall be limited to \$4,000 per academic year. The scholarships shall cover the cost of tuition, room, board and books with a minimum dollar amount approved by the state superintendent of education.

“(b) The state department of education is hereby authorized to receive, deposit and allocate contributions from business and industry to further provide funding for emergency secondary education scholarships.

“§ 16-23-21.

“Each scholarship recipient must sign a letter of commitment to the state board of education agreeing that upon graduation he or she will teach one full year of secondary mathematics, chemistry, physics, biology or general science in the public secondary schools of Alabama for every full year or partial year the scholarship is received. Provided, however, that for the remainder of the 1983-84 academic year and thereafter, scholarship recipients shall be required to teach two full years for every full year or partial year that the scholarship is received. The letter of commitment shall be binding upon the recipient. The letter of commitment shall include a penalty clause stating that if the recipient discontinues study in secondary mathematics, physics, chemistry or general science education, or fails to teach the required number of years in the public schools, the recipient must repay to the state within five years the total amount of scholarship funds received plus interest at a rate agreed by the state board of education and the recipient at the time the scholarship was granted. The scholarship pay-back requirement shall also be enforced if a recipient refuses to accept a teaching assignment when the state department of education has identified at least five possible teaching sites to the scholarship recipient. Said letter of commitment shall be considered a legal contract and the state board of education shall pursue necessary legal action to enforce the contract.

In addition, should scholarship recipients who have completed their teacher training with the assistance of the scholarship program and have been awarded a certificate to teach fail to comply with the conditions of the letter of compliance, the state superintendent of education shall be authorized to revoke the teaching certificate of the recipients.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Covington	Hand	Parsons	
Bailey	Denton	Holmes	Smith (B)	
Bedford	Dixon	Langford	Strong	
Bennett	Foshee	Little	Teague	
Corbett	Goodwin	Mitchem		—18

Nays: —0

And said Bill, S. B. 317, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 14; Nays 0.

Yeas:

Senators:	Denton	Holmes	Parsons	
Bedford	Foshee	Langford	Smith (B)	
Bennett	Goodwin	Little	Strong	
Corbett	Hand	Mitchem		—14

Nays: —0

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

The Bill:

S. 21. To create a regulatory information service within the Alabama Development Office to provide assistance and information to citizens interested in establishing or engaging in a commercial activity.

was taken up.

Senator Holmes offered the following substitute for the Bill, S. B. 21, to-wit:

SUBSTITUTE FOR S. B. 21

A BILL TO BE ENTITLED AN ACT

To create, within the Alabama Development Office, an Alabama Small Business Office of Advocacy to serve as the principal advocate in the state on behalf of small businesses, including advisory participation in the consideration of legislation and administrative regulations affecting small businesses; to specify the functions and duties of the office; and to require the office to submit an annual report to the Governor and the legislature describing the activities and recommendations of the office.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created, within the Alabama Development Office, the Alabama Small Business Office of Advocacy for the purpose of aiding, counseling, assisting and protecting, insofar as possible, the interests of small business concerns in order to preserve free competitive enterprise and maintain a healthy state economy; and to provide information and assistance to citizens interested in entering into commercial activity.

Section 2. For purposes of this act, the following words and phrases shall have the following meanings:

(a) "Small business" means a small business, as defined in Section 25-10-3, Code of Alabama 1975.

(b) "Office" means the Alabama Small Business Office of Advocacy.

(c) "Director" means the director of the Alabama Small Business Office of Advocacy.

(d) "A.D.O." means the Alabama Development Office.

Section 3. (a) The management of the office created by this act shall be vested in a director, who shall be designated by the director of the A.D.O.

(b) The A.D.O. director may assign other A.D.O. employees or other employees in the state merit system and exempt positions in the various executive branch departments to assist the director for such periods of time as are necessary to enable the director to carry out his responsibilities.

Section 4. The duties and functions of the office shall include all of the following:

(a) Serve as the principal advocate in the state on behalf of small businesses, including, but not limited to, advisory participation in the consideration of all legislation and administrative regulations which affect small businesses.

(b) Establish a central reference program and general counseling service to assist small businesses.

(c) Represent the views and interests of small businesses before other state agencies whose policies and activities may affect small business.

(d) Enlist the cooperation and assistance of public and private agencies, businesses, and other organizations in disseminating information about the programs and services provided by state government which are of benefit to small businesses, and information on how small businesses can participate in, or make use of, those programs and services.

(e) Evaluate the efforts of state agencies, businesses, and industry to assist minority small business enterprises, and make such recommendations as may be appropriate to assist the development and strengthening of minority and other small business enterprises.

(f) Consult with experts and authorities in the fields of small business investment, venture capital investment, and commercial banking and other comparable financial institutions involved in the financing of business, and with individuals with regulatory, legal, economic, or financial expertise, including members of the academic community, and individuals who generally represent the public interest.

(g) Determine the desirability of developing a set of rational, objective criteria to be used to define small business, and to develop such criteria, if appropriate.

(h) To provide a center of information where a person interested in establishing a commercial facility or engaging in a commercial activity may be informed of any registration, license, or other approval of a state regulatory agency that is required for that facility or activity or of the existence of

standards, criteria, or requirements which the laws of this state require that facility or activity to meet.

Section 5. Each state agency which requires a permit, license, or other regulatory approval or maintains standards or criteria with which an activity or facility must comply shall inform the office of the following:

- a. The activity or facility that is subject to regulation.
- b. The existence of any threshold levels which would exempt the activity or facility from regulation.
- c. The nature of the regulatory program.
- d. The amount of any fees.
- e. How to apply for any permits or regulatory approvals.
- f. A brief statement of the purpose of requiring the permit or regulatory approval or requiring compliance with the standards or criteria.

Section 6. Each state agency shall promptly inform the office of any changes in the information provided under this act or the establishment of a new regulatory program. The information provided to or disseminated by the office shall not be binding upon the regulatory program of a state agency.

Section 7. For the purpose of implementing the provisions of this act, the office shall establish a toll-free telephone number.

Section 8. Each agency of the state shall furnish to the director such reports, documents, and information as the director deems necessary to carry out his functions under this act. The office shall prepare and submit a written annual report to the Governor and to the Legislature, that describes the activities and recommendations of the office.

Section 9. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	deGraffenried	Hand	Parsons	
Amari	Denton	Holmes	Smith (B)	
Bailey	Dixon	Langford	Smith (J)	
Bennett	Foshee	Little	Strong	
Cabaniss	Goodwin	Mitchem	Teague	—19

Nays: —0

And said Bill, S. B. 21, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 19; Nays 0.

Yeas:

Senators:	Barron	Bennett	Denton
Amari	Bedsole	Corbett	Dixon
Bailey			

Foshee	Holmes	Menton	Strong	
Goodwin	Langford	Smith (B)	Teague	
Hand	Little	Smith (J)		—19
<i>Nays:</i>				—0

The Bill:

S. 117. To amend Act 82-514, The Revised Alabama Professional Corporation Act, by amending Sections 10 and 24 to determine the date of disqualification of shareholders and to allow corporations in existence December 31, 1983 in which licensed medical and dental professionals were allowed to be shareholders under Section 10-4-235, Code of Alabama, to continue.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 15; Nays 0.

Yeas:

Senators:	Denton	Langford	Sanders	
Barron	Goodwin	Little	Smith (J)	
Bedsole	Hand	Mitchem	Strong	
deGraffenried	Holmes	Parsons	Teague	—15
<i>Nays:</i>				—0

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

The Bill:

S. 428. To authorize fiduciaries to invest in and hold, in addition to any other investments authorized by law, interests in any common trust fund or collective investment fund maintained by any financial institution having trust powers or in securities of or other interests in any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, provided that the portfolio of such fund, company or trust is limited to the classes of trust investments allowed by law.

was taken up.

Senator deGraffenried offered the following substitute for the Bill, S. B. 428, to-wit:

SUBSTITUTE FOR S. B. 428

A BILL TO BE ENTITLED AN ACT

To authorize fiduciaries to invest in and hold, in addition to any other investments authorized by law, interests in any common trust fund or collective investment fund maintained by any financial institution having trust powers or in securities of or other interests in any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, provided that the portfolio of such fund, company or trust is limited to the classes of trust investments allowed by law.

Be It Enacted by the Legislature of Alabama:

Section 1. The classes of investments authorized by section 19-3-120 of the Code of Alabama, 1975, or by any other provision of law for the investment of funds held by a trustee, executor, administrator, guardian or other fiduciary may be invested in and held directly or in the form of (a) interests, however evidenced, in any common trust fund or other collective investment fund maintained by any national or state chartered bank, trust company or savings and loan association having trust powers, or (b) securities of or other interests in any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, as from time to time amended, so long as the portfolio or portfolios of such common trust fund, collective investment fund or investment company or investment trust are limited by the provisions of the instrument creating the same or otherwise to one or more of the classes of investments authorized by section 19-3-120 of the Code of Alabama, 1975, or by any other provision of law allowing direct investment in such class of investments by a trustee, executor, administrator, guardian or other fiduciary. This section shall not, insofar as such authorization may be prohibited by the Constitution of this State, authorize the investment of trust funds in the stock of any private corporations.

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 14; Nays 0.

Yeas:

Senators:	Denton	Hand	Sanders	
Barron	Dixon	Langford	Strong	
Corbett	Foshee	Little	Teague	
deGraffenried	Goodwin	Mitchem		—14

Nays: —0

And said Bill, S. B. 428, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 17; Nays 0.

Yeas:

Senators:	deGraffenried	Hand	Sanders	
Aldridge	Denton	Langford	Smith (B)	
Bailey	Dixon	Little	Strong	
Bedsole	Foshee	Mitchem	Teague	
Corbett	Goodwin			—17

Nays: —0

(The President and Presiding Officer of the Senate declared a quorum was present but not voting.)

The Bill:

S. 126. To provide that a local board of education shall allow a sick leave bank for its employees to be established upon the request of such employees.

was taken up.

Senator Hand offered the following substitute for the Bill, S. B. 126, to-wit:

SUBSTITUTE FOR S. B. 126

A BILL TO BE ENTITLED AN ACT

To provide that local city and county boards of education shall be authorized to establish a sick leave bank for their employees.

Be It Enacted by the Legislature of Alabama:

Section 1. County and city boards of education shall be authorized to establish a sick leave bank plan for their employees. Boards of Education shall enact policies providing for uniform administration of the sick leave bank plan. Participation in sick leave banks shall at all times be voluntary on the part of employees.

Section 2. Full-time employees shall be eligible for participation in a sick leave bank created by their employing boards after one (1) year of employment; provided that such employee has accrued a minimum of five (5) days sick leave. Any sick leave days contributed to the bank shall be removed from the personally accumulated sick leave balance of the employee donating such leave. Participating employees shall make equal contributions to the sick leave bank.

Section 3. Any sick leave time drawn from the bank by a participating employee must be used for said employee's personal illness, accident or injury.

Section 4. Alleged abuse of the use of the sick leave bank shall be investigated by a committee appointed by the employing board, and on a finding of wrongdoing, the employee shall repay all of the sick leave credits drawn from the sick leave bank and shall be subject to other disciplinary action as determined by the school board to be appropriate.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This Act shall become effective October 1, 1984 following its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator Little, further consideration of the Bill, S. B. 126, and pending substitute, was postponed subject to the call of the Chair.

The Bill:

S. 418. To amend Sections 41-7-1 and 41-7-5, Code of Alabama 1975,

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which established the bureau of publicity and information, so as to change the name to the bureau of tourism and travel.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Senators:	Bennett	Hand	Parsons	
Aldridge	Corbett	Holmes	Smith (B)	
Amari	deGraffenried	Langford	Smith (J)	
Bailey	Denton	Little	Strong	
Bedford	Dixon	Menton	Teague	
Bedsole	Goodwin	Mitchem		—22

Nays: —0

The Bill:

S. 485. To amend various sections of Chapter 14 of Title 16 of the Code of Alabama 1975 relating to the authorization and incorporation of the Alabama Public School Corporation so as to authorize said corporation to borrow money for any corporate function, to pledge certain notes or warrants received from local school boards as security for debts of the corporation, to employ experts to assist the corporation, to obtain guarantees, insurance, surety bonds and letter of credit as security for the notes and warrants of the corporation, to establish reserve funds, and to make loans to one or more local school boards for the payment of teachers' salaries and current operating expenses; to specify that an additional purpose of the corporation shall be the borrowing of money on behalf of local school boards and the lending of such money to local school boards; to provide that all notes or warrants of the corporation shall be payable solely out of the proceeds of the minimum program fund appropriation or the proceeds from notes or warrants of local school boards to which funds are loaned by the corporation; to authorize the corporation to consult with local school boards to determine their cash needs for teacher payrolls and other current expenses; to provide that borrowings by the corporation in anticipation of appropriations from the Alabama special educational trust fund may be made on behalf of local school boards for whose benefit such appropriations have been made; to provide that the powers of the corporation shall be vested in a board of directors consisting of the director of the department of finance, the commissioner of the department of revenue and the state superintendent of education and to provide for officers of the corporation; to specify the method of dissolving the corporation; to provide for the terms and provisions of any notes or warrants issued by the corporation and the execution thereof; and to clarify that notes and warrants of the corporation shall not constitute debts or obligations or a charge against the credit or taxing power of the State of Alabama.

was taken up.

On motion of Senator Parsons, further consideration of the Bill, S. B. 485, was postponed subject to the call of the Chair.

The Bill:

S. 98. To amend Act No. 83-838 of the 1983 Third Special Session of the Alabama legislature relating to reintegration of state prison inmates into society under the Supervised Intensive Restitution Program, so as to fur-

ther specify the ineligibility of certain inmates convicted of certain crimes to participate in said program.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Bennett	Hilliard	Parsons	
Aldridge	Denton	Holmes	Smith (B)	
Amari	Dixon	Langford	Smith (J)	
Barron	Goodwin	Little	Strong	
Bedsole	Hand	Mitchem	Teague	—19

Nays:

—0

The Bill:

S. 113. To provide that local city and county boards of education, boards of trustees of colleges and universities and governing boards of other public supported education institutions shall provide certain leave options for tenured employees who serve in the Alabama legislature.

was taken up.

The Standing Committee on Education reported the following substitute for the Bill, S. B. 113, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 113

A BILL TO BE ENTITLED AN ACT

To provide that local city and county boards of education, boards of trustees of colleges and universities and governing boards of other public supported education institutions shall provide certain leave options for tenured professional employees who serve in the Alabama legislature and full time members of the Governor's staff.

Be It Enacted by the Legislature of Alabama:

Section 1. Local city and county boards of education, boards of trustees of colleges and universities and governing boards of other public supported education institutions shall provide to any tenured professional employee who is elected to the Alabama legislature and any full-time employee who is appointed to the Governor's staff the opportunity to take an unpaid leave of absence during the tenured professional employee's period of service in the legislature or the Governor, as herein provided. Boards shall offer to said tenured professional employee reemployment in the same or a comparable position upon termination of the tenured professional employee's legislative service or service to the Governor, provided the tenured professional employee has complied with the provisions of Sections 2 and 3 of this Act.

SECTION 2. The tenured professional employee shall notify his employing board in writing of his election to the legislature or his appointment to the Governor's staff within ten (10) days after the election results have been certified, and at that time, at the tenured professional employee's option, shall request an unpaid leave of absence for a specified length of time, the final date of which shall not exceed the opening date of the next regular

school term or academic year following conclusion of the term of office. The employing board shall grant the request for unpaid leave of absence, provided that the board shall be authorized to require the tenured professional employee to work through the current academic semester or quarter. The board shall not be required to reinstate the tenured professional employee except as herein provided.

SECTION 3. If a tenured professional employee who has taken an unpaid leave of absence under provisions of this Act wishes to be reemployed by the employing board granting said leave, the tenured professional employee shall notify said board, in writing, one year in advance by the opening date of the academic year prior to his planned return to employment. If said tenured professional employee fails to notify his employing board of his intent to resume employment, the board shall have no obligation to offer reemployment. If the tenured professional employee meets the requirement of proper notice as herein provided, the employing board shall offer to the tenured professional employee the opportunity to return to the same position or another position comparable to the one filled by the tenured employee prior to the leave. If the tenured professional employee wishes to accept the offer of reemployment, he shall notify the board in writing within ten (10) days following the date of the offer. If said tenured professional employee fails to notify his employing board of his acceptance of the offer of reemployment, the board shall have no further obligation to offer reemployment.

SECTION 4. If the tenured professional employee is elected or appointed to subsequent, consecutive terms in the legislature or to the Governor's staff, he shall follow the same procedures as provided in Sections 2 and 3 if he wishes to continue his leave of absence.

SECTION 5. Tenured professional employees who are serving in the legislature at the time of the passage of this Act and who are otherwise eligible shall be authorized to request leave by submitting said request in writing to the employing board within ten (10) days following final enactment. Leave may begin for said tenured professional employees at the end of the then-current semester or quarter.

SECTION 6. All laws or parts of laws which are in conflict with this Act are hereby repealed.

SECTION 7. This Act shall become effective immediately upon its passage and approval by the Governor or by its otherwise becoming a law.

The Standing Committee on Education then reported the following amendment to the committee substitute for the Bill, S. B. 113, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE FOR S. B. 113

Amend Substitute to Senate Bill 113 as follows:

On page 1, line 32, after the word "staff" insert the following:

"or elected to the State Board of Education"

Also on page 1, line 35, after the comma after the word "Governor" insert the following:

"or on the State Board of Education"

Also on page 1, line 39, after the comma after the word "Governor" insert the following:

"or on the State Board of Education"

Also on page 2, line 3, after the word "staff" add:

"or on the State Board of Education"

Senator Bedford moved that said amendment be laid on the table, which motion was lost.

Yeas 5; Nays 13.

Abstaining 1.

Yeas:

Senators:	Bedford	Hand	Smith (B)	
Barron	Goodwin			—5

Nays:

Senators:	Bennett	Little	Sanders	
Amari	Hilliard	Menton	Smith (J)	
Bailey	Holmes	Parsons	Teague	
Bedsole	Langford			—13

Abstaining: Senator Strong —1

And said committee amendment was then adopted.

And said committee substitute, as amended, was then adopted.

Yeas 19; Nays 0.

Abstaining 1.

Yeas:

Senators:	Bennett	Hilliard	Mitchem	
Amari	Denton	Holmes	Parson	
Bailey	Dixon	Langford	Sanders	
Barron	Foshee	Little	Smith (B)	
Bedsole	Hand	Menton	Teague	—19

Nays: —0

Abstaining: Senator Strong —1

MOTION TO ADJOURN LOST

At 6:45 P.M., Senator Bedford moved that the Senate adjourn until Tuesday, April 17, 1984, at 2 o'clock P.M., which motion was lost.

FURTHER CONSIDERATION OF S. B. 113

The Senate proceeded to further consideration of the Bill, S. B. 113, as amended by the substitute, as amended.

Senator Bedford offered the following amendment to the Bill, S. B. 113, as amended by the substitute, as amended, to-wit:

AMENDMENT TO S. B. 113, AS AMENDED BY THE SUBSTITUTE, AS AMENDED

Amend Senate Bill No. 113, Page 1, Line 40 by inserting after the word Act. add the following, "However the Boards shall only have to provide a position for the returning tenured teacher if an employment position

is available and the Board is not required to provide an additional position or fire any employee due to the returning tenured teacher request."

On motion of Senator Bedsole, said amendment was laid on the table.

Senator Bedford moved that further consideration of the Bill, S. B. 113, as amended by the substitute, as amended, be postponed until the Nineteenth Legislative Day.

On motion of Senator Bedsole, said motion to postpone was laid on the table.

Senator Bedsole then moved that further consideration of the Bill, S. B. 113, as amended by the substitute, as amended, be postponed as Unfinished Business, which motion was adopted.

The Bill:

S. 426. To make legislative findings regarding the need to provide additional methods of providing wastewater treatment facilities as well as the need for funds to finance such facilities; to define the particular terms used in the subsequent provisions of this act; to provide for and authorize the incorporation by any county or municipality in the state of one or more public corporations and instrumentalities of the state, upon the filing of an application with, and the making of certain determinations by, the governing body of a county or municipality; to provide for and authorize the certificate of incorporation of any such corporation to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such county or municipality; to provide for a board of directors of any such corporation and the election and removal of the members thereof; to authorize any such corporation to acquire, construct, own, lease, operate, or enter into contracts for the operation of, wastewater treatment facilities, and to provide for the general powers to be exercised by any such corporation and the conditions under which such powers may be exercised; to authorize any such corporation to sell, under installment sales agreements or other contractual arrangements satisfactory to the corporation, any wastewater facility of the corporation, and to grant options to purchase any such facility; to empower any such corporation to enter into long-term exclusive contracts for the receiving, treatment and disposal of pollutants; to empower any such corporation to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds and other obligations payable solely out of the revenues, receipts, income, funds or other sources (including installment sales agreements) specified in the proceedings under which such bonds, notes or other obligations are issued; to authorize any such corporation to pledge its revenues and income (including amounts to be received under installment sales or other contractual arrangements) and mortgage or assign its assets as security for its notes, bonds or other obligations; to provide for the issuance of refunding bonds, notes or other obligations by any corporation for the purpose of refunding bonds, notes or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such corporation; to provide that the notes, bonds or other obligations of any such corporation shall not constitute or create a debt of the state or any county, municipality or other political subdivision or agency thereof; to provide that the notes, bonds and other obligations of any such corporation may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the state the property, corporate activities, revenues and income of such corporation, such transaction

or actions to which each such corporation is a party or in which it may be involved, and the notes, bonds and all other obligations of each such corporation and the income from such notes, bonds and obligations; to exempt any such corporation from all laws of the state governing usury or prescribing or limiting interest rates; to exempt any such corporation from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to provide for liberal construction of the provisions of this act; to confer upon any corporation organized under the provisions of this act the power of eminent domain; to exempt any corporation organized under the provisions of this act from state supervision and control; to provide that any county, municipality or other political subdivision, agency or instrumentality of the state or any county or municipality may aid and cooperate with any such corporation, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to authorize any county, municipality or other political subdivision, agency or instrumentality of the state or any county or municipality to enter into contracts, for a term not exceeding thirty (30) years; providing for the delivery to the corporation of pollutants and payments by such entity to the corporation; to provide that such entity may be required to make payments to such corporation with respect to such disposal and treatment of pollutants even though such corporation is at the time such payment is to be made unable to effect such treatment and disposal or such entity is at the time such payment is to be made unable to deliver such pollutants; to provide that to the extent that such contracts recite that the amounts payable thereunder shall be payable annually out of the general operating funds of such entity then such contracts shall not constitute a debt of any county, municipality or political subdivision, agency or instrumentality; to provide that any such corporation shall be a not-for-profit corporation; to provide that any such corporation may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes or other obligations by such corporation, and to provide that any action or proceeding questioning the validity of any such bonds, notes or other obligations or instruments securing the same must be commenced within thirty (30) days after the first publication of said notice; to provide for the dissolution of any such corporation and for the vesting of title to its properties; and to provide that the provisions of this act shall be severable.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 426, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 426

A BILL TO BE ENTITLED AN ACT

To make legislative findings regarding the need to provide additional methods of providing facilities employed in the provision of certain utility services, including water and sewer services, as well as the need for funds to finance such facilities; to define the particular terms used in the subsequent provisions of this act; to provide for and authorize the incorporation by any county or municipality in the state of one or more public corporations and instrumentalities of the state, upon the filing of an application with, and the making of certain determinations by, the governing body of a county or municipality; to provide for and authorize the certificate of incorporation of

any such corporation to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such county or municipality; to provide for a board of directors of any such corporation and the election and removal of the members thereof, to authorize any such corporation to acquire, construct, own, lease, make loans with respect to, operate, or enter into contracts for the operation of, facilities, and to provide for the general powers to be exercised by any such corporation and the conditions under which such powers may be exercised; to empower any such corporation to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds and other obligations payable solely out of the revenues, receipts, income, funds or other sources specified in the proceedings under which such bonds, notes or other obligations are issued; to authorize any such corporation to pledge its revenues and mortgage or assign its assets as security for its notes, bonds or other obligations; to provide for the issuance of refunding bonds, notes or other obligations by any corporation for the purpose of refunding bonds, notes or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such corporation, to provide that the notes, bonds or other obligations of any such corporation shall not constitute or create a debt of the state or any county, municipality or other political subdivision or agency thereof; to provide that the notes, bonds and other obligations of any such corporation may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the state the property, corporate activities, revenues and income of such corporation, such transaction or actions to which each such corporation is a party or in which it may be involved, and the notes, bonds and all other obligations of each such corporation and the income from such notes, bonds and obligations; to exempt any such corporation from all laws of the state governing usury or prescribing or limiting interest rates; to exempt any such corporation from all laws of the state requiring competitive bids for contracts to be entered into by counties, municipalities or public corporations; to exempt all utility services agreements and other contracts relating to the design, construction, acquisition, financing or operation of facilities financed by a corporation from all laws of the state requiring competitive bids for contracts to be entered into by counties, municipalities or public corporations and all laws relating to the maximum duration of contracts for the sale of personal property and contractual services to counties, municipalities or public corporations; to confer upon the corporation the power of eminent domain; to provide for liberal construction of the provisions of this act; to confer upon any corporation organized under the provisions of this act the power of eminent domain; to exempt any corporation organized under the provisions of this act from state supervision and control; to provide that any county, municipality or other political subdivision, agency or instrumentality of the state or any county or municipality may aid and cooperate with any such corporation, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to authorize any county, municipality or other political subdivision, agency or instrumentality thereof to enter into utility services agreements, for a term not exceeding forty (40) years, providing for the provision of utility services to such entity by a provider under circumstances in which the facilities for the provision of such utility services are financed, in whole or in part, by a corporation; to provide that such entity may unconditionally and absolutely obligate itself to make payments pursuant to such utility services agreement irrespective of the performance of the

facilities or the delivery of the pertinent utility services; to provide that a utility services agreement may provide that when more than one such entity shall be a party to such a utility services agreement and one such entity shall default in its obligations thereunder, then the other such entity or entities may be obligated to assume the payment obligations of such defaulting entity; to provide legal and equitable remedies for the breach of utility services agreements; to prohibit any city, county or instrumentality of either thereof to enter into any utility services agreement or related agreements for the acquisition, construction, equipment or operation of any facilities unless the same shall have been approved by such entity after a public hearing following public notice; to provide that any such corporation shall be a nonprofit corporation; to provide that any such corporation may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes or other obligations by such corporation, and to provide that any action or proceeding questioning the validity of any such bonds, notes or other obligations or instruments securing the same must be commenced within thirty (30) days after the first publication of said notice; to provide for the dissolution of any such corporation and for the vesting of title to its properties; and to provide that the provisions of this act shall be severable.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative findings: It is hereby found and declared as follows:

(a) That the health, safety and welfare of the people of this state require the provision of certain utility services, including water and sewer services;

(b) That it is necessary for the legislature to provide additional methods by which the cities and counties in the state may provide new and improve existing utility services facilities;

(c) That historically a significant portion of the funding of the costs of construction of such utility services facilities has been provided through grants from the United States of America;

(d) That, in recent years, funds available to cities and counties from the United States of America for payment of costs of construction of utility services facilities has been substantially reduced, and it is anticipated that, in coming years, such funds may be further reduced or eliminated;

(e) That the result of the elimination of funding from the United States of America will be to place the entire burden of payment of costs of constructing and improving utility services facilities solely upon the cities and counties in the state;

(f) That the users of utility services facilities will be forced to pay increased charges in amounts sufficient to enable the cities and counties to provide funds to pay costs of constructing new and improved utility services facilities;

(g) That it may be impossible for cities and counties to raise rates with respect to the use of such utility services facilities to such levels as will provide funds sufficient to enable such cities and counties to pay substantially all of the costs of constructing and improving such utility services facilities;

(h) That the legislatures in other states of the United States of America, including surrounding states, have enacted or are considering legislation making available to cities and counties new and different methods

of financing the costs of such utility services facilities, to the end that the entire burden of the loss of funds from the United States of America will not be placed directly on the users of such utility services in the form of substantially increased charges:

(i) That among the alternatives available to cities and counties in the construction of new and improved utility services facilities is the encouragement of private investment in the construction, ownership and operation of utility services facilities;

(j) That to the extent that the provision of utility services facilities in connection with private ownership and operation reduces the cost of service, the people of this state are greatly benefited by lower cost to the users of such utility services facilities:

(k) That to the extent that utility services charges in this state are substantially higher than in surrounding states, the industrial development of the state is adversely affected and the improvement of the quality of the environment of the state impeded.

The legislature, therefore, finds and declares that it is necessary, desirable and in the public interest that additional and alternative methods of providing for the construction and improvement of certain utility services facilities be provided; and that the provisions of this act are in the public interest and promote the health, welfare and safety of the citizens of this state.

Section 2. Definitions. The following words and phrases used in this act, and others evidently intended as the equivalent thereof, shall, in the absence of a clear implication herein otherwise, be given the following respective interpretations herein:

"Applicant" means a natural person who files a written application with the governing body of any county or municipality in accordance with the provisions of section 3 hereof.

"Authorizing resolution" means a resolution or ordinance adopted by the governing body of any county or municipality in accordance with the provisions of section 3 hereof, that authorizes the incorporation of a corporation.

"Board" means the board of directors of a corporation.

"Bonds" means bonds, notes or other obligations representing an obligation to pay money.

"Corporation" means any public corporation organized pursuant to the provisions of this act.

"Costs" as applied to a facility or any portion thereof, shall include all or any part of the cost of construction, acquisition, alteration, enlargement, extension, reconstruction, improvement and remodeling of a facility, including all lands, structures, real or personal property, rights, rights-of-way, franchises, easements, permits, approvals, licenses and certificates and interests acquired or used for, in connection with or with respect to a facility, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring lands to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, underwriters' commissions or discounts, interest prior to, during and following completion of such construction and acquisition, provisions for reserves for both principal and interest and for maintenance,

extensions, enlargements, additions and improvements to any facilities then being or theretofore acquired and all other amounts authorized by any corporation to be paid into any special funds from proceeds of bonds issued by the corporation, the cost of architectural, engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and revenues, administrative expenses, expenses necessary or incident to determining the feasibility or practicability of constructing a facility and such other expenses as may be necessary or incident to the construction and acquisition of a facility, the financing of such construction and acquisition and the placing of a facility in operation.

"County" means any county in the state.

"Determining county" means, with respect to a corporation, any county the governing body of which shall have made findings and determinations of fact pertaining to the organization of such corporation in accordance with the provisions of section 3 of this act.

"Determining municipality" means, with respect to a corporation, any municipality the governing body of which shall have made findings and determinations of fact pertaining to the organization of such corporation, in accordance with the provisions of section 3 of this act.

"Determining subdivision" means, with respect to a corporation, any determining county or determining municipality and, with respect to an instrumentality, the county or municipality or combination thereof whose governing body is empowered to incorporate or otherwise establish such instrumentality.

"Director" means a member of the board of a corporation.

"Eligible investment" includes (a) any time deposit with, or any certificate of deposit issued by (i) any bank which is organized under the laws of the United States of America or any state thereof and deposits in which are insured by the Federal Deposit Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation or (ii) any savings and loan association which is organized under the laws of the United States of America or any state thereof and deposits in which are insured by the Federal Savings and Loan Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation; (b) any debt securities that are direct, general obligations of the United States of America; (c) any debt securities the payment of the principal of and interest on which is unconditionally guaranteed by the United States of America; (d) any debt securities that are direct, general obligations of any agencies or instrumentalities of the United States of America, including the following: the Export-Import Banks of the United States, the Federal Farm Credit Banks, the Federal Land Banks, the Federal Intermediate Credit Banks, the Banks for Cooperatives, the Federal Home Loan Banks (including any joint obligations of any two or more of the foregoing agencies), the Federal Home Loan Mortgage Corporation (including participation certificates of the last named agency), the Government National Mortgage Association (including participation certificates of the last named agency), the Tennessee Valley Authority, the Federal Reimbursement Bank and the Farmers Home Administration; (e) any debt securities that are direct, general obligations of the Federal National Mortgage Association; (f) prime commercial paper or finance company paper which is rated not less than prime one or the equivalent thereof by Moody's Investors Service, Inc., or Standard & Poor's Corporation, or their successors; (g)

units of investment in any money market fund which is rated not less favorably than A (or the equivalent thereof) by Moody's Investors Service, Inc., or Standard & Poor's Corporation, or their successors; and (h) any debt obligation in which an insurance company organized under the laws of the state may legally invest its money at the time of investment by an authority.

"Facility" means property or collections of property used to provide utility services, including all land, rights-of-way, property rights, franchise rights, buildings and other structures, machinery, equipment, vehicles, furniture, fixtures, reservoirs, wells, intakes, mains, laterals, pipes, aqueducts and all other property, rights, easements and interests necessary or desirable in connection therewith.

"Governing body" means, with respect to a municipality, its city or town council, board of commissioners, or other like governing body exercising the legislative functions of a municipality and, with respect to a county, its county commission or other like governing body exercising the legislative functions of a county and, with respect to an instrumentality, its board of directors or other like governing body duly constituted to exercise the ultimate decision-making functions of such instrumentality.

"Governmental user" means any county or municipality, or any instrumentality of either thereof (including, without limitation to, any corporation incorporated hereunder), that receives, participates in or otherwise partakes of utility services pursuant to a utility services agreement.

"Incorporators" means the person forming a public corporation pursuant to the provisions of this act.

"Instrumentality" means, with respect to any county or municipality, any public corporation, public authority, board, commission or other similar body that is incorporated, established or controlled by such county or municipality.

"Municipality" means an incorporated municipality in the state.

"Person" means any natural person, public or private corporation (including, without limitation to, any corporation incorporated hereunder), partnership, trust, foundation, government or governmental body, political subdivision or other legal entity.

"Provider" means any person that provides utility services to any user pursuant to a utility services agreement.

"Revenues" means all rentals, receipts, income and other charges derived or received or to be derived or received by the corporation, from any of the following: the operation by the corporation of a facility or facilities, or part of either thereof; the sale, including installment sales or conditional sales, lease, sublease or use or other disposition of any facility or portion thereof; repayment of any loan with respect to any facility or the operation thereof; contracts, agreements or franchises with respect to a facility (or portion thereof); any gift or grant; proceeds of bonds to the extent of use thereof for payment of principal of, interest or premium, if any, on the bonds is authorized by the corporation; proceeds from any insurance, condemnation or guaranty pertaining to a facility or property mortgaged to secure bonds or pertaining to the financing of a facility; and income and profit from the investment of the proceeds of bonds or of any revenues.

"State" means the state of Alabama.

"Utility services" means any services for (i) the collection, treatment and delivery of water, whether such water is used for human consumption or industrial use, and (ii) the collection, treatment and disposal of sewage, wastewater, industrial effluent or other fluid waste.

"Utility services agreement" means any agreement between or among one or more users and one or more providers, whether such agreement is in the form of a lease, a service contract, a contract of sale or in any other form, pursuant to which a provider or providers shall agree to provide one or more utility services to, or for the benefit of, such user or users under circumstances in which the facilities for the provision of such utility services are financed, in whole or in part, by a corporation.

"User" means any person that receives, participates in or otherwise partakes of utility services pursuant to a utility services agreement, and includes any governmental user.

Section 3. Filing of application for incorporation of a corporation; authorization of incorporation by governing body of county or municipality. A public corporation may be organized pursuant to the provisions of this act in any county or municipality. In order to incorporate such a public corporation, any number of natural persons, not less than three, who are duly qualified electors of the determining county or the determining municipality, as in the case may be applicable, shall first file a written application with the governing body of such county or municipality, which application shall:

(1) Contain a statement that the applicants propose to incorporate a corporation pursuant to the provisions of this act;

(2) State the proposed location of the principal office of the corporation;

(3) State that each of the applicants is a duly qualified elector of the county or the municipality with whose governing body such application is filed; and

(4) Request that the governing body of such county or municipality adopt a resolution declaring that it is wise, expedient, necessary or advisable that the proposed corporation be formed and authorizing the applicants to proceed to form the proposed corporation by the filing for record of a certificate of incorporation in accordance with the provisions of section 4 hereof.

Every such application shall be accompanied by such supporting documents or evidence as the applicants may consider appropriate. As promptly as may be practicable after the filing of the application with it in accordance with the provisions of this section, the governing body of the county or the municipality with which the application was filed shall review the contents of the application, and shall adopt a resolution either denying the application or declaring that it is wise, expedient, necessary or advisable that the proposed corporation be formed and authorizing the applicants to proceed to form the proposed corporation by the filing for record of a certificate of incorporation in accordance with the provisions of section 4 hereof. The governing body with which the application is filed shall also cause a copy of the application to be spread upon or otherwise made a part of the minutes of the meeting of such governing body at which final action upon said application is taken.

Section 4. Incorporation procedure; contents, execution and filing of certificate of incorporation. (a) Within 40 days following the adoption of an

authorizing resolution the applicants shall proceed to incorporate a corporation by filing for record in the office of the judge of probate of the county or one of the counties in which the determining subdivision is located a certificate of incorporation which shall comply in form and substance with the requirements of this section and which shall be in the form and executed in the manner herein provided.

(b) The certificate of incorporation of the corporation shall state:

(1) The names of the persons forming the corporation, and that each of them is a duly qualified elector of the determining subdivision;

(2) The name of the corporation [which shall be "The Governmental Utility Services Corporation of _____," with the insertion of the name of the determining subdivision (which name may include additional wording identifying the region served by the facility), unless the secretary of state shall determine that such name is identical to the name of any other corporation organized under the laws of the state or so nearly similar thereto as to lead to confusion and uncertainty, in which case the incorporators may insert additional identifying words so as to eliminate said duplication or similarity];

(3) The period for the duration of the corporation (if the duration is to be perpetual, subject to the provisions of section 23 hereof, that fact shall be stated);

(4) The name of the determining subdivision together with the date on which the governing body thereof adopted the authorizing resolution;

(5) The location of the principal office of the corporation, which shall be within the boundaries of the determining subdivision;

(6) That the corporation is organized pursuant to the provisions of this act; and

(7) Any other matters relating to the corporation that the incorporators may choose to insert and that are not inconsistent with this act or with the laws of the state.

(c) The certificate of incorporation shall be signed and acknowledged by the incorporators before an officer authorized by the laws of the state to take acknowledgments to deeds. When the certificate of incorporation is filed for record, there shall be attached to it (1) a copy of the application as filed with the governing body of the determining subdivision in accordance with the provisions of section 3 hereof, (2) a certified copy of the authorizing resolution adopted by the governing body of the determining subdivision, and (3) a certificate by the secretary of state that the name proposed for the corporation is not identical to that of any other corporation organized under the laws of the state or so nearly similar thereto as to lead to confusion and uncertainty.

(d) Upon the filing for record of the said certificate of incorporation and the documents required by the preceding sentence to be attached thereto, the corporation shall come into existence and shall constitute a public corporation under the name set forth in said certificate of incorporation. The judge of probate shall thereupon send a notice to the secretary of state that the certificate of incorporation of the corporation has been filed for record.

(e) The authorization of the incorporation of one corporation shall not preclude the authorization by the governing body of any determining subdivi-

vision of the incorporation of other such authorities; provided, that such other corporations shall be required to adopt names or designations sufficient to distinguish them from any corporation theretofore incorporated.

Section 5. Amendments to certificate of incorporation. The certificate of incorporation of any corporation incorporated under the provisions of this act may at any time and from time to time be amended in the manner provided in this section. The board shall first adopt a resolution proposing an amendment to the certificate of incorporation which shall be set forth in full in the said resolution and which amendment may include any matters which might have been included in the original certificate of incorporation.

After the adoption by the board of a resolution proposing an amendment to the certificate of incorporation of the corporation, the chairman of the board and the secretary of the corporation shall sign and file a written application in the name of and on behalf of the corporation, under its seal, with the governing body of the determining subdivision, requesting such governing body to adopt a resolution approving the proposed amendment, and accompanied by a certified copy of the said resolution adopted by the board proposing the said amendment to the certificate of incorporation, together with such documents in support of the application as the said chairman may consider appropriate. As promptly as may be practicable after the filing of the said application with the governing body of the determining subdivision pursuant to the foregoing provisions of this section, that governing body shall review the said application and shall find and determine whether it is wise, expedient, necessary or advisable for the said amendment to be made. In finding and determining whether it is wise, expedient, necessary or advisable for the said amendment to be made, the said governing body may consider, in conjunction with any other factors it may deem relevant, alternative means of accomplishing any lawful objective or purpose of the said amendment affecting the public interest. If the said governing body finds and determines that it is wise, expedient, necessary or advisable for the said amendment to be made, it shall adopt a resolution declaring that it has reviewed the said application and has found and determined as a matter of fact that it is wise, expedient, necessary or advisable for the said amendment to be made; if the said governing body finds and determines that it is not wise, expedient, necessary or advisable for the said amendment to be made, it shall deny the application. Such governing body shall also cause a copy of the said application and all accompanying documents to be spread upon or otherwise made a part of the minutes of the meeting of said governing body at which final action upon the said application is taken.

Within 40 days following the adoption by the governing body of the determining subdivision of a resolution finding and determining as a matter of fact that it is wise, expedient, necessary or advisable for said amendment to be made, the chairman of the board of the corporation and the secretary of the corporation shall sign, and file for record in the office of the judge of probate with which the certificate of incorporation of the corporation was originally filed a certificate in the name of and in behalf of the corporation, under its seal, reciting the adoption of said respective resolutions by the board and by the said governing body and setting forth the said proposed amendment. If the proposed amendment provides for a change in the name of the corporation, there shall be filed, together with the certificate required by the immediately preceding sentence, a certificate by the secretary of state showing that the proposed new name of the corporation is not identical to that of any other corporation then in existence and organized under the laws of the state or so nearly similar to that of any other such corporation as to lead to confusion and uncertainty. The judge of probate shall

promptly examine each such certificate and shall determine whether it is complete and regular on its face and whether the proposed amendment complies with the provisions of this act. If the judge of probate shall find that each such certificate is complete and regular on its face and that the proposed amendment complies with the provisions of this act, he shall require each such certificate to be recorded in the permanent records maintained in his office. Upon the filing of the aforesaid certificates, the said amendment to the certificate of incorporation shall become effective. If the proposed amendment effects a change in the name of the corporation, the judge of probate shall promptly send a notice to the secretary of state, advising him of such change. No certificate of incorporation of a corporation shall be amended except in the manner provided in this section.

Section 6. Board of directors of corporation; election; terms of office; vacancies; qualifications; expenses; impeachment. (a) Each corporation shall be governed by a board of directors. All powers of the corporation shall be exercised by the board or pursuant to its authorization. The board shall consist of three directors who shall be elected by the governing body of the determining subdivision for staggered terms as hereinafter provided. The governing body of the determining subdivision shall specify for which term each director is elected. The initial term of office of one director shall begin immediately upon his election and shall end at 12:01 o'clock, A.M., on January 1 of the first succeeding odd-numbered calendar year following his election. The initial term of office of another director shall begin immediately upon his election and shall end at 12:01 o'clock, A.M., on January 1 of the second succeeding odd-numbered calendar year following his election. The initial term of the remaining director shall begin immediately upon his election and shall end at 12:01 o'clock, A.M., on January 1 of the third succeeding odd-numbered calendar year following his election. Thereafter, the term of office of each such director shall be six years. If at any time there should be a vacancy on the board, a successor director to serve for the unexpired term applicable to such vacancy shall be elected by the governing body of the determining subdivision. If the term of office being served by any director shall expire prior to the election of such director for a new term or prior to the election of his successor by the governing body of the determining subdivision, such director shall continue to serve until his successor is elected and qualified, and if such director is elected for a new term after the expiration of the immediately preceding term which he has been serving, his new term of office shall be deemed to have commenced as of the expiration of such immediately preceding term.

(b) Any officer of the determining subdivision shall be eligible for appointment and may serve as a member of the board for the term for which he is appointed or during his tenure as an officer of the determining subdivision, whichever expires first, but he shall not receive a fee for his services; provided, however, that at no time shall the board consist of more than one officer of the determining subdivision. Each director must be a duly qualified elector of the determining subdivision. Directors shall be eligible for reelection. Each director shall be reimbursed for expenses actually incurred by him in and about the performance of his duties. No director shall vote on or participate in the discussion or consideration of any matter coming before the board in which he, his immediate family or any business enterprise with which he is associated has any direct or indirect pecuniary interest; provided, however, that when any such matter is brought before the board, any director having any interest therein which may be in conflict with his obligations as a director shall immediately make a complete disclosure to the board of any direct or indirect pecuniary interest he may have

in such matter prior to removing himself and withdrawing from the board's deliberations and vote on the matter presented.

(c) A majority of the directors shall constitute a quorum for the transaction of business. No vacancy in the membership of the board or the voluntary disqualification or abstention of any member thereof shall impair the right of a quorum to exercise all of the powers and duties of the corporation.

(d) Any director of the corporation may be impeached and removed from office in the same manner and on the same grounds provided in section 175 of the Constitution of Alabama, or successor provision thereof, and the general laws of the state for impeachment and removal of the officers mentioned in section 175, or successor provision thereof.

(e) All proceedings of the board shall be reduced to writing by the secretary of the corporation and maintained in the permanent records of the corporation. Copies of such proceedings, when certified by the secretary of the corporation under the seal of the corporation, shall be received in all courts as evidence of the matters therein certified.

Section 7. Officers of corporation. The officers of a corporation shall consist of a chairman, a vice-chairman, a secretary, a treasurer and such other officers as its board shall deem necessary or appropriate. The offices of secretary and treasurer may but need not be held by the same person. The chairman and vice-chairman of a corporation shall be elected by the board from the membership thereof; the secretary, the treasurer, and any other officers of the corporation may but need not be members of the board and shall also be elected by the board. The chairman, vice-chairman, secretary and treasurer of the corporation shall also be the chairman, vice-chairman, secretary and treasurer of the board, respectively.

Section 8. Powers of corporation; location of facilities of corporation. (a) Every corporation shall have all of the powers necessary and convenient to carry out and effectuate the purposes and provisions of this act, including (without limiting the generality of the foregoing) the following powers:

(1) To have succession in its corporate name for the duration of time (which may be in perpetuity, subject to the provisions of section 22 hereof) specified in its certificate of incorporation;

(2) To sue and be sued in its own name in civil suits and actions and to defend suits against it;

(3) To adopt and make use of a corporate seal and to alter the same at pleasure;

(4) To adopt, alter and repeal bylaws, regulations and rules, not inconsistent with the provisions of this act, for the regulation and conduct of its affairs and business;

(5) To acquire, whether by gift, purchase, transfer, foreclosure, lease or otherwise, to construct and to expand, improve, operate, maintain, equip and furnish one or more facilities, including all real and personal properties that its board may deem necessary in connection therewith, regardless of whether or not any such facility shall then be in existence and, if in existence, regardless of whether or not any such facility is then owned or leased by any person to which such facility may subsequently be sold or leased by such corporation;

(6) To borrow money and to sell and issue bonds as hereinafter provided for any corporate use or purpose;

(7) To lease to any person or persons all or any part of any facility or facilities that are or are to be owned by it, to charge and collect rent therefor and to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof, all upon such terms and conditions as its board may deem advisable;

(8) To contract to sell, convey or dispose of and to sell, convey or dispose of all or any part of a facility (including but not limited to the granting of options to purchase a facility to any person), all for such consideration and upon such terms and conditions as its board may deem advisable;

(9) In connection with the financing of the acquisition, construction or operation of one or more facilities, to lend, upon such terms and conditions as its board may deem advisable, all or any portion of the proceeds derived from the issuance of its bonds for one or more or any combination of the following purposes:

(a) To enable such person to borrow an amount not substantially in excess of the equity (determined on any basis not resulting in a higher value for any facility in question than the estimated replacement cost or the appraised market value thereof, whichever may be greater) which such person may then have in any facility or facilities;

(b) To enable such person to refinance any outstanding indebtedness incurred or assumed in connection with the acquisition, improvement or operation of any existing facility or facilities;

(c) To enable such person to finance the costs of acquiring, by purchase, construction or otherwise, one or more facilities and/or the costs of expanding or improving one or more facilities, regardless of whether any such facility has theretofore been owned or leased by such person or is to be acquired or leased by such person; and

(d) To enable such person to borrow working capital for use in the operation of one or more facilities.

(10) To pledge for payment of any bonds issued or assumed by the corporation any revenues from which such bonds are payable as herein provided, and to mortgage or pledge any or all of its facilities or any part or parts thereof, whether then owned or received or thereafter acquired or received, and to pledge any revenues from which such bonds are payable as herein provided as security for the payment of the principal of and the interest and premium, if any, on any bonds so issued and any agreements (including, without limitation, any utility service agreements) made in connection therewith;

(11) To assume obligations secured by a lien on or secured by and payable out of or secured by a pledge of any facility or facilities or part thereof or the revenues derived from any facility or facilities that may be acquired by the corporation;

(12) To make, enter into, and execute such contracts, agreements, leases and other instruments (including, without limitation to, utility service agreements) and to take such other actions as may be necessary or convenient to accomplish any purpose for which such corporation was organized or to exercise any power expressly granted hereunder;

(13) To enter into contracts with, to accept aid, loans and grants from, to cooperate with and to do any and all things not specifically prohibited by this act or the Constitution or other applicable laws of the state that may be necessary in order to avail itself to the aid and cooperation of the United

States of America, the state or any agency, instrumentality or political subdivision of either thereof in furtherance of the purposes of this act;

(14) To receive and accept from any source aid or contributions in the form of money, property, labor or other things of value, to be held, used and applied to carry out the purposes of this act, subject to any lawful condition upon which such aid or contributions may be given or made;

(15) To appoint, employ and contract with such employees and agents, including but not limited to, architects, engineers, attorneys, accountants, financial experts, fiscal agents and such other advisors, consultants and agents as may in its judgment be necessary or desirable, and to fix their compensation;

(16) To enter into a management contract or contracts with any municipality, any county, or any person or persons for the management, supervision or operation of all or any part of its facilities as may in the judgment of such corporation be necessary or desirable in order to perform more efficiently or economically any function for which it may become responsible in the exercise of the powers conferred upon it by this act.

(17) To procure insurance against any loss in connection with its property and other assets in such amounts and from such insurers as its board may deem desirable;

(18) To the extent permitted by the contracts of such corporation with the holders of its bonds and if not otherwise specifically prohibited by any other provision of this act, to invest its moneys (including, without limitation, the moneys held in any special fund created pursuant to any trust indenture or agreement or resolution securing any of its bonds and proceeds from the sale of any bonds) not required for immediate use in eligible investments;

(19) To include in any borrowing by such corporation such amounts as may be deemed necessary by its board to pay bond discount, commissions or other financing charges, interest on the obligations issued in evidence of such borrowing for such period as its board shall deem advisable, fees and expenses of financial advisors and planning and management consultants, all legal, accounting, publishing, printing, recording and filing fees and expenses and such other expenses as shall be necessary or incident to such borrowing;

(20) To the extent permitted by its contracts with the holders of its bonds, to purchase bonds of such corporation out of any of its funds or moneys available therefor and to hold, cancel or resell such bonds;

(21) To secure payment of bonds or other obligations of such corporation, including performance obligations relating to processes and facilities involved in providing utility services, by procuring or agreeing to procure (i) insurance or guarantees from the United States of America or any agency or instrumentality thereof, or (ii) insurance, guarantees, letters of credit and other sureties from banks, insurance companies and other financial institutions, and to pay premiums, commissions and fees necessary to procure such insurance, guarantees, letters of credit or other sureties;

(22) To establish and maintain one or more special debt service reserve funds and such other special fund or funds as may be necessary or desirable for its corporate purposes and to pay into each such fund any moneys contributed or granted to such corporation for the purpose of such fund by any governmental or public entity or any private party, any proceeds from the

sale of bonds to the extent provided in the resolution adopted by the board of such corporation authorizing the issuance of such bonds and any other moneys which may be made available to such corporation for the purpose of such fund from any other source or sources.

(23) To require payments in lieu of taxes with respect to any facilities to be made by a provider to the state, a county or a municipality, or any two or more thereof; and

(24) To do any and all things necessary or convenient to carry out its purposes and to exercise its powers pursuant to the provisions of this act.

(b) Any facility or facilities of a corporation organized pursuant to determination by a determining municipality may be located within or without or partially within and partially without the determining municipality, subject to the following conditions:

(1) No such facility or part thereof shall be located more than 30 miles from the corporate limits of the determining municipality;

(2) No such facility or part thereof shall be located within the corporate limits of a municipality other than the determining municipality in this state unless the governing body of such other municipality has first adopted a resolution consenting to the location of such facility or part thereof in such municipality; and

(3) No such facility or part thereof shall be located in a county other than that (or those) in which the determining municipality (or part thereof) is situated unless the governing body of such other county has first adopted a resolution consenting to the location of such facility or part thereof in such county.

(c) Any facility or facilities of a corporation organized pursuant to determination by a determining county may be located within or without or partially within and partially without the determining county, subject to the following conditions:

(1) No part of a facility shall be located more than three miles outside the boundaries of the determining county;

(2) In no event shall any facility or part thereof be located within the corporate limits of a municipality unless the governing body of such municipality has first adopted a resolution consenting to the location of such facility or part thereof in such municipality; and

(3) No such project or part thereof shall be located in a county other than the determining county unless the governing body of such other county has first adopted a resolution consenting to the location of a part of such facility in such other county.

Section 9. Bonds of corporation—generally. (a) Any corporation shall have the power to issue, sell and deliver at any time and from time to time its bonds in such principal amount or amounts as its board shall determine to be necessary to provide sufficient funds for achieving any of its corporate purposes, including the payment of interest on any of its bonds, the establishment of reserves to secure any such bonds and all other expenditures of such corporation incident to and necessary or convenient to carry out its corporate purposes and powers. Any corporation shall also have the power to issue from time to time bonds to renew bonds and bonds to pay bonds, including interest thereon and, whenever it deems refunding expedient, to refund any bonds by the issuance of new bonds, whether the bonds to be

refunded have or have not matured, and to issue bonds partly to refund bonds then outstanding and partly for any other of its corporate purposes.

(b) The bonds issued by any corporation shall be authorized by resolution or resolutions adopted by its board, shall bear such date or dates and shall mature at such time or times as such resolution or resolutions may provide, except that no bond shall mature more than 40 years from date of its issue. The bonds of any corporation may be issued as serial bonds or as term bonds or as a combination thereof. The bonds of any corporation shall bear interest at such rate or rates, be in such form and denominations, either coupon or registered, carry such registration privileges, be executed by such officers of such corporation and in such manner, be payable in such medium of payment, at such place or places within or without the state and be subject to such terms of redemption as may be provided in the resolution or resolutions by which they are authorized to be issued. The bonds of any corporation may be sold by such corporation at public or private sale at such price or prices as such corporation shall determine. If such action shall be deemed advisable by the board, there may be retained in the proceedings under which any of such bonds are authorized to be issued an option to redeem all or any part thereof as may be specified in such proceedings, at such price or prices and after such notice or notices and on such terms and conditions as may be set forth in such proceedings and as may be recited in summary form on the face of such bonds; provided that any bond of any corporation having a specified maturity more than 15 years after its date shall be made subject to redemption at the option of such corporation at the expiration of 15 years from its date and on any interest payment date thereafter at such price or prices and after such notice or notices and on such terms and in such manner as may be provided in the resolution adopted by the board of such corporation authorizing the issuance of such bond. Any corporation may pay all expenses, premiums and commissions which its board may deem necessary and advantageous in connection with the issuance of any of its bonds. Issuance by any corporation of one or more series of bonds for one or more purposes shall not preclude it from issuing other bonds, but the resolutions whereunder any subsequent bonds may be issued shall recognize and protect any prior pledge or mortgage made for the benefit of any prior issue of bonds, unless in the proceedings authorizing such prior issue the right was reserved to issue subsequent bonds on a parity with such prior issue.

(c) Prior to the preparation of definitive bonds, the corporation may issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The corporation may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost.

(d) All obligations created or assumed and all bonds issued or assumed by any corporation shall be solely and exclusively an obligation of such corporation and shall not create an obligation or debt of the state, the determining subdivision, any other county or, municipality or any other political subdivision of the state or any instrumentality or governmental agency existing under the laws thereof; provided, that the provisions of this subsection shall not be construed to release the original obligor from liability on any bond or other obligation assumed by the corporation.

Section 10. Security for payment of bonds; contracts and agreements to secure. (a) Bonds issued by any corporation may, as its board may deem advisable, be either general obligations of such corporation or limited obli-

gations payable only out of certain specified revenues or assets of such corporation; provided, that any corporation may enter into contracts with the holders of any of its bonds preventing such corporation from thereafter issuing general obligation bonds or limiting the amount of such bonds that may thereafter be issued. To the extent permitted by any contracts with the holders of outstanding bonds and any other contractual obligations or requirements, any corporation may pledge any of its revenues or mortgage or assign any of its assets, whether real or personal and whether tangible or intangible, to secure the payment of any of its bonds.

(b) As security for payment of the principal of and the interest and premium, if any, on any bonds issued or assumed by it, any corporation may enter into a contract or contracts, and adopt resolutions or other proceedings containing provisions constituting a part of the contract or contracts with the holders of such bonds, pertaining to, among other things, the following matters:

(1) Pledging all or any part of the revenues of such corporation to secure the payment of such bonds, subject to contracts with the holders of its then outstanding bonds;

(2) Pledging, assigning or mortgaging all or any part of the assets of such corporation to secure the payment of such bonds, subject to contracts with the holders of its then outstanding bonds;

(3) The creation of reserves, sinking funds or other funds and the regulation and disposition thereof;

(4) Limitations on the purpose to which the proceeds of sale of such bonds may be applied and pledging such proceeds to secure the payment of such bonds;

(5) Limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured and the refunding of outstanding bonds;

(6) Binding the corporation to impose and collect reasonable rates for and the imposition of reasonable regulations respecting any service rendered from or with respect to any facility or facilities;

(7) The procedure, if any, by which the terms of any contract with the holders of such bonds may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given;

(8) Limitations on the amount of moneys to be expended by such corporation for its operating expenses:

(9) Vesting in a trustee or trustees such property, rights, powers and duties as such corporation may determine;

(10) Defining the acts or omissions to act that shall constitute a default in the performance of the obligations and duties of such corporation to the holders of such bonds and providing for the rights and remedies of such holders in the event of such default; provided, however, that such rights and remedies shall not be inconsistent with the general laws of the state and the other provisions of this act; and

(11) Any other matters of like or different character which in any way affect the security or protection of the holders of such bonds.

(c) Any mortgage of property granted by any corporation, any security

interest in property created by it or any assignment or pledge of revenues or contract rights made by it, in each case to secure the payment of its bonds, shall be valid and binding from the time when such mortgage is granted, such security interest is created or such assignment or pledge is made, as the case may be, and the property so mortgaged, the property with respect to which such security interest is so created and the revenues and contract rights so assigned or pledged shall immediately (or as soon thereafter as such corporation obtains any right thereto or interest therein) be subject to such mortgage, security interest, assignment or pledge, as the case may be, without physical delivery of any property, revenues or contract documents covered thereby or any further act, and the lien of any such mortgage, security interest, assignment or pledge shall be valid and binding as against all persons having claims of any kind in tort, contract or otherwise against such corporation, irrespective of whether such persons have actual notice thereof, from the time notice of such mortgage, security interest, assignment or pledge is filed for record (i) in the office of the judge of probate in which the certificate of incorporation of such corporation was filed for record and (ii) in the case of any mortgage or security interest covering any tangible property, whether real, personal or mixed, in the office of the judge of probate of the county in which such property is or is to be located pursuant to any agreement made by such corporation with any person respecting the location and use of such property. Such notice shall contain a statement of the existence of any such mortgage, security interest, assignment or pledge, as the case may be, a description of the property, revenues or contract rights subject thereto and a description of the bonds secured thereby, all in terms sufficient to give notice to a reasonably prudent person of the existence and effect of any such mortgage, security interest, assignment or pledge. If the requirements of the preceding sentence are met, such notice may consist of (i) a summary statement prepared specially for the purpose of serving as such notice, (ii) an executed counterpart of any mortgage, security agreement, assignment, trust indenture or any other instrument granting such mortgage, creating such security interest or making such assignment or pledge, as the case may be, or (iii) a certified copy of the resolution adopted by the board of such corporation authorizing such mortgage, security interest, assignment or pledge, as the case may be.

(d) Any corporation shall have power, subject to contracts with the holders of its then outstanding bonds, to purchase for retirement and cancellation any of its bonds and to use any of its available funds for such purpose, provided that, if such bonds are then redeemable, the purchase price thereof shall not exceed the redemption price then applicable, plus accrued interest thereon to the date of purchase, and if such bonds are not then redeemable, the purchase price thereof shall not exceed the redemption price applicable on the earliest date after such purchase upon which such bonds become subject to redemption, plus accrued interest thereon to the date of purchase.

(e) The bonds of any corporation may, at the discretion of such corporation, be issued under and secured by a trust indenture or trust indentures by and between such corporation and a corporate trustee, which may be any trust company or bank having the power of a trust company within or without the state. Any such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of such corporation in relation to the exercise of its corporate powers and the custody, safeguarding and application of all moneys. Such authority may provide by any such trust indenture for the pay-

ment to the trustee thereunder or other depository of the proceeds of any bonds issued thereunder and any revenues pledged for the security of such proceeds and revenues, with such safeguards and restrictions as it may determine. All expenses incurred in connection with such trust indenture may be treated as part of the operating expenses of such corporation.

(f) Whether or not the bonds of any corporation are of such form and character as to be negotiable instruments under the terms of the Alabama Uniform Commercial Code, such bonds are hereby made negotiable instruments within the meaning of the Alabama Uniform Commercial Code and for all purposes thereof, subject only to any registration provisions of such bonds. In case any of the directors or officers of any corporation whose signatures appear on any bonds or coupons appertaining to any bond shall cease to be such directors or officers before the delivery of such bonds or coupons, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if such directors or officers had remained in office until such delivery.

(g) The directors and officers of any corporation shall not be subject to any personal liability by reason of the issuance of any bonds of such corporation.

Section 11. Proceeds from sale of bonds. All moneys derived from the sale of any bonds issued by a corporation shall be used solely for the purpose or purposes for which the same are authorized; provided, however, that if for any reason any part of such proceeds shall not be necessary for such purposes, then such unexpended part of such proceeds shall be applied to the payment of the principal or of interest on the said bonds. All accrued interest and premium received in any such sale shall be applied to the payment of interest or principal on the bonds sold.

Section 12. Refunding bonds. (a) Any bonds issued or assumed by a corporation may from time to time be refunded by the issuance, by sale or exchange, of refunding bonds payable from the same or different sources for the purpose of paying all or any part of the principal of the bonds to be refunded, any redemption premium required to be paid as a condition to the redemption prior to maturity of any such bonds that are to be so redeemed in connection with such refunding, any accrued and unpaid interest on the bonds to be refunded, any interest to accrue on each bond to be refunded to the date on which it is to be paid, whether at maturity or by redemption prior to maturity, and the expenses incurred in connection with such refunding including, without limitation to, attorneys' fees, costs of printing the refunding bonds, financial advisors' fees and accountants' fees; provided, that unless such bonds are duly called for redemption pursuant to provisions contained therein, the holders of any such bonds then outstanding and proposed to be refunded shall not be compelled without their consent to surrender their outstanding bonds for such refunding. The issuance of such refunding bonds, the maturities and other details thereof, the rights of the holders thereof and the rights, duties and obligations of such corporation in respect thereof shall be governed by the provisions of this act relating to the issuance of bonds generally, to the extent that such provisions may be appropriate therefor.

(b) Refunding bonds issued by any corporation may be sold or exchanged for outstanding bonds issued under this act and, if sold, the proceeds thereof may be applied, in addition to any other authorized purposes, to the purchase, redemption or payment of such outstanding bonds. Pending the application of the proceeds of any such refunding bonds for any of

the purposes provided in this section, such proceeds may be invested in any eligible investments pursuant to an escrow agreement providing for the future application of such proceeds in accordance with such purposes.

Section 13. Freedom of corporation from supervision and control of state; applicability of certain laws regarding operation of facilities. (a) This act is intended to aid the state through the furtherance of the purposes of the act by providing appropriate and independent instrumentalities with full and adequate powers to fulfill their functions. Except as expressly provided in this act, no proceeding, notice or approval shall be required for the incorporation of any corporation or the amendment of its certificate of incorporation, the purchase of any note or other instrument secured by a mortgage, deed of trust, note or other security interest, the issuance of any bonds, the execution of any mortgage and deed of trust or trust indenture, or the exercise of any other of its powers by a corporation. Neither a public hearing nor the consent of the state department of finance or any other department, agency, bureau, board or corporation of the state shall be prerequisite to the issuance of bonds by a corporation.

(b) Each corporation shall, however, be subject to the provisions of the laws of this state respecting the operation of facilities of the corporation, including particularly the provisions of Chapters 23, 25 and 26 of Title 22 of the Code of Alabama of 1975.

Section 14. Power of eminent domain. Each corporation organized under the provisions of this act is hereby granted the power of eminent domain and may exercise such power in the manner provided by law for the purpose of obtaining real property for any facility or part thereof.

Section 15. Contracts; cooperation; aid and agreements from other bodies. (a) For the purpose of attaining the objectives of this act, any county, municipality or other political subdivision, public corporation, agency or instrumentality of the state, a county or municipality may, upon such terms and with or without consideration, as it may determine, do any or all of the following:

(1) Lend or donate money to any corporation or perform services for the benefit thereof;

(2) Donate, sell, convey, transfer, lease or grant to any corporation, without the necessity of authorization at any election of qualified voters, any property of any kind; and

(3) Do any and all things, whether or not specifically authorized in this section, not otherwise prohibited by law, that are necessary or convenient to aid and cooperate with any corporation in attaining the objective of this act.

(b) Without in any way limiting the generality of the foregoing, any municipality, county or any political subdivision or agency of the state or of a county or municipality, a public corporation or any other entity is authorized to convey to the corporation, and the corporation in turn is authorized to convey to any person, any existing facility, it being hereby specifically declared that the agreement of any person to whom such conveyance is made to provide a facility or facilities that are in full compliance with all such applicable federal and state laws and regulations shall be deemed to be adequate consideration for any such transfer.

Section 16. Utility services agreements; incurring indebtedness by governmental users; enforceability of utility services agreements. (a) Any county or municipality, or any instrumentality of either thereof, if author-

ized by resolution or ordinance of its governing body, may enter into one or more utility services agreements with a provider or providers pursuant to which such provider or providers shall provide one or more utility services for, or for the benefit of, any such governmental user that is a party to such utility services agreement. Any such utility services agreement may provide for the purchase by the governmental user thereunder of all or any part of the capacity, capability or output of the facilities used to provide the applicable utility services. Since the receipt of utility services by a governmental user pursuant to a utility services agreement affords such governmental user the benefits of such utility services without the burdens of ownership and operation of the facilities for the provision of such utility services, and since the payments by such governmental user under such utility services agreement will constitute, in whole or in part, the source of repayment for any financing of the facilities for the provision of such utility services, any utility services agreement may provide (i) that the governmental user thereunder shall be obligated to make the payments required of it by such utility services agreement whether or not the applicable facilities are completed, operable or operating and notwithstanding the suspension, interruption, interference, reduction or curtailment of the capacity, capability or output, as in the case may be applicable, of such facilities or the utility services contracted for, the nonperformance or nondelivery of the utility services contracted for, or the inability, for any reason, of the governmental user to receive or partake of the utility services so contracted for, and (ii) that the payments by the governmental user under such utility services agreement shall not be subject to any reduction, whether by offset or otherwise, and shall not be conditioned upon the performance or nonperformance by the provider or providers under such utility services agreement. Any utility services agreement pursuant to which utility services are to be provided to more than one governmental user may also provide that if one or more of such governmental users shall default in the payment of its or their obligations thereunder, then in such event the other governmental user or users that are parties to such utility services agreement shall be required to accept and pay for, and shall be entitled proportionately to and may use or otherwise dispose of, the utility services (or the capacity, capability or output thereof) which was to be received by the defaulting governmental user. Any utility services agreement may provide that the obligation of any governmental user to make payments thereunder in respect of utility services shall be as absolute and unconditional as the obligation of such governmental user to repay money that it borrowed directly on its own credit for the purpose of financing the acquisition of facilities that would be used to provide utility services equivalent to those proposed to be provided pursuant to such utility services agreement. Any utility services agreement may extend for a period not exceeding 40 years from the date that such utility services agreement is entered into.

(b) It is hereby recognized that this act confers upon any governmental user the right to incur payment obligations under a utility services agreement that may constitute debt within the meaning of constitutional limitations and other applicable laws of the state, but, that fact notwithstanding, nothing contained in this act shall be construed

(i) to cause any such debt to lose any exemption from any constitutional debt limit to which, absent any claimed effect of any provision of this act, it would be entitled by virtue of the fact that it was incurred for the purpose of providing waterworks, sewers or sewerage, or

(ii) to prevent any governmental user from entering into a utility services agreement which provides that payments thereunder due in any fiscal

year shall be payable only out of the revenues received by such governmental user during such fiscal year.

(c) In the event of any failure or refusal on the part of any governmental user to perform punctually any covenant or obligation contained in any utility services agreement, the provider under such utility services agreement shall have the right (i) to recover damages from such governmental user through an action at law or (ii) to enforce performance by such governmental user of such covenant or obligation through any legal or equitable process, including mandamus or specific performance.

Section 17. Prior Approval of Utility Services Agreements and Related Agreements with Governmental Users; Notice and Public Hearing. (a) No utility services agreement or related agreements in connection with the acquisition, construction, equipment or operation of any facilities may be entered into by any governmental user pursuant to the provisions of this act unless the entering into of such utility services agreement and related agreements by such governmental user is approved by resolution adopted by the governing body of such governmental user in accordance with the provisions of this act; and any utility services agreement or related agreements entered into without prior compliance with the provisions of this section shall be void.

(b) No approval of any utility services agreement or related agreements by the governing body of any governmental user shall be effective for purposes of this act unless such approval is obtained in compliance with the provisions of this section. Prior to entering into any utility services agreement or related agreements, the governing body of any governmental user shall designate a place, date and time at which such governing body shall meet to consider all views expressed by the general public, whether in support or opposition, with respect to such utility services agreement, the utility services to be provided thereunder or any related agreements for the acquisition, construction, equipment or operation of facilities for provision of such utility services. The date of such meeting to hear the views of the general public shall be not less than three weeks after the date on which notice thereof is first published as hereinafter provided. Notice of such meeting shall be published once a week for three consecutive weeks in some newspaper published within the territorial boundaries of such governmental user in the event that the governmental user is a county or municipality, or within the territorial limits of the pertinent determining subdivision or subdivisions in the event that the governmental user is an instrumentality; provided, however, that if no newspaper is at the time being published within the territorial boundaries of such governmental user, or such determining subdivision, as in the case may be applicable, such notice shall be published in a newspaper which the governing body of such governmental user determines to have general circulation within the territorial boundaries of such governmental user or such determining subdivision or subdivisions, as in the case may be applicable; provided further that if no newspaper is at the time being published within the territorial boundaries of such governmental user or such determining subdivision or subdivisions, as in the case may be applicable, and if the governing body of such governmental user determines that there is no newspaper at the time having general circulation within the territorial boundaries of such governmental user or such determining subdivision or subdivisions, as in the case may be applicable, then such notice may be published by posting for three weeks in three public places within such territorial boundaries. Such notice shall be deemed to comply with the requirements of this act if it contains (i) a statement of the intention of the governing body of such governmental user to meet at the designated place,

date and time for the purpose of hearing and considering the views of the general public with respect to the approval by such governing body of the entering into of the utility service agreement and related agreements in question, (ii) a brief description of such utility services agreement and related agreements and (iii) the proposed street address of the facilities for the provision of the utility services in question or such other description of the proposed location thereof as will be intelligible to the general public.

At the meeting with respect to which such notice is published, the governing body of the governmental user shall hear and consider the views of all persons desiring to be heard and may thereafter at the same meeting adopt a resolution expressing its final approval or disapproval of the entering into such utility services agreement and related agreements. Instead of taking final action with respect to such utility services agreement and related agreements at the first meeting held to hear the views of the general public, such governing body may defer such action to a subsequent meeting, and it may also continue to hear the views of the general public with respect to such utility services agreement and related agreements during one or more subsequent meetings until it takes such final action, but it may not take any final action with respect to the approval or disapproval of such utility services agreement and related agreements, or conduct other hearings with respect thereto, at any subsequent meeting unless (i) such subsequent meeting is a regular meeting of such governing body or a valid adjournment thereof and (ii) the preceding meeting at which such utility services agreement and related agreements were last considered, such subsequent meeting was publicly designated by such governing body as the place, date and time to which further consideration of such utility services agreement and related agreements was to be continued.

The decision of the governing body of any governmental user to grant or refuse any approval of the entering into of any utility services agreement or related agreements required by the provisions of this act shall be within the sole discretion of such governing body, and, except to the extent affected by fraud, bribery or other unlawful conduct, the reasonableness or fairness of such governing body in approving or refusing to approve the entering into of any such utility services agreement and related agreements shall not be the subject of any case, controversy or inquiry brought before any court of the state.

Section 18. Exemption from taxation, etc. (a) Every corporation shall exercise its powers in all respects for the benefit of the people of the state, for their well being and for the improvement of their health, welfare and social condition, and the exemptions from taxation hereinafter described are hereby granted in order to promote the more effective and economical exercise of such powers.

(b) No income, excise or license tax shall be levied upon or collected in the state with respect to any corporate activities of a corporation or any of its revenues, income or profit. No ad valorem tax or assessment for any public improvement shall be levied upon or collected in the state with respect to any property during any time that title to such property is held by a corporation, including, without limiting the generality of the foregoing, any time that such property is leased to a provider by a corporation pursuant to a lease which provides that title to such property shall automatically pass to such provider upon expiration of the lease term or which gives such provider the right to purchase such property from such authority for a nominal consideration and any time that title to such property is retained by a corporation pursuant to a contract of sale with a provider which provides that

title to such property shall not pass to such provider until the purchase price thereof has been paid in full; provided that any corporation may require any provider to pay to such corporation or to any county, municipality or the state payments in lieu of any such ad valorem taxes that would be payable with respect to such property but for the application of the provisions of this section.

(c) No privilege or license taxes payable in respect of the recording or filing for record of any mortgage, deed or other instrument, including, without limitation, the privilege taxes now imposed by chapter 22 of Title 40, shall be levied, charged or collected in connection with the recording or filing for record of any mortgage, deed or other instrument evidencing a conveyance to or the creation of any property interest in a corporation, any agreement or instrument to which a corporation is a party, and any mortgage, deed or other instrument evidencing a conveyance from a corporation to another party or the creation by a corporation of any property interest in another party.

(d) If, pursuant to any contractual agreement between a corporation and a provider, any facility has been or is to be acquired by such corporation and leased or sold to such provider or has been or is to be financed by a loan from such corporation, then in such case the gross proceeds of the sale of any property used in the construction and equipment of such facility, regardless of whether such sale is to such corporation, such provider or any contractor or agent of either thereof, shall be exempt from the sales tax imposed by article 1 of chapter 23 of Title 40 and from all other sales and similar excise taxes now or hereafter levied on or with respect to the gross proceeds of any such sale by the state or any county, municipality or other political subdivision or instrumentality of any thereof. Further, if, pursuant to any contractual arrangement between a corporation and a provider, any facility has been or is to be acquired by such corporation and leased or sold to such provider or has been or is to be financed by a loan from such corporation, then in such case any property used in the construction and equipment of such facility, regardless of whether such property has been purchased by such corporation, such provider or any contractor or agent of either thereof, shall be exempt from the use tax imposed by article 2 of chapter 23 of Title 40 and all other use and similar excise taxes now or hereafter levied on or with respect to any such property by the state or any county, municipality or other political subdivision or instrumentality of any thereof.

(e) All bonds issued by any corporation, their transfer and the income therefrom, including the interest income thereon and any profits made on the sale thereof, shall at all times be free from taxation by the state or any county, municipality or other political subdivision or instrumentality of the state, excepting inheritance, estate and gift taxes.

Section 19. Exemption from usury and interest laws. Any corporation and all contracts made by it shall be exempt from the laws of the state of Alabama governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of Chapter 8 of Title 8. Further, any payment payable directly or indirectly by any provider pursuant to any lease, installment sale contract, loan agreement or other contract to which a corporation is a party, any payment pursuant to any utility service agreement or any payment pursuant to any other obligation constituting the source of payment for any obligation of a corporation which, in any such case under the laws of the state in effect at the time, constitutes interest, or

a payment in the nature of interest, shall be exempt from all such laws of the state governing usury or prescribing or limiting interest rates.

Section 20. Exemption from competitive bid laws. Any corporation and all contracts made by it shall be exempt from the laws of the state requiring competitive bids for any contract to be entered into by counties, municipalities, public corporations or other instrumentalities authorized by them, including, but without limitation to, the provisions of article 3 of chapter 16 of Title 41. Further, all contracts, whether or not involving any corporation as a party thereto, which relate to the design, construction, acquisition, financing or operation of any facilities that are financed, in whole or in part, by any corporation pursuant to the provisions of this act (including, without limitation, utility services agreements and contracts for the design, construction and equipment of such facilities) shall be exempt from (i) such laws requiring competitive bids for any contract to be entered into by counties, municipalities, public corporations or other instrumentalities authorized by them, including, but without limitation to, the provisions of article 3 of chapter 16 of Title 41, and (ii) the laws of the state limiting the duration of any contracts for the purchase of personal property or contractual services by counties, municipalities, public corporations or other instrumentalities authorized by them, including, without limitation to, the provisions of article 3 of chapter 16 of Title 41.

Section 21. Disposition of net earnings of corporation. Every corporation shall be a nonprofit public corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any private person, except that in the event a board shall determine that sufficient provision has been made for the full payment of the expenses, bonds and other obligations of a corporation, then any net earnings of a corporation thereafter accruing shall be paid to its determining subdivision.

Section 22. Bonds of corporation as legal investments. The bonds of any corporation shall be legal investments in which the state and its agencies and instrumentalities, all counties, municipalities and other political subdivisions of the state and public corporations organized under the laws thereof, all insurance companies and associations and other persons carrying on an insurance business, all banks, savings banks, savings and loan associations, trust companies, credit unions and investment companies of any kind, all administrators, guardians, executors, trustees and other fiduciaries, and all other persons whatsoever are now or may hereafter be authorized to invest in bonds or other obligations of the state, may properly and legally invest funds in their control or belonging to them.

Section 23. Dissolution of corporation; vesting of title to corporation's property in determining subdivision. At any time when any corporation has no bonds or other obligations outstanding and when there shall be no other obligations assumed by such corporation that are then outstanding, the board of such corporation may adopt a resolution, which shall be duly entered upon its minutes, declaring that the corporation shall be dissolved. Upon filing for record of a certified copy of the said resolution in the office of the judge of probate with which the corporation's certificate of incorporation was filed, the corporation shall thereupon stand dissolved and, in the event it owned any assets or property at the time of its dissolution, the title to all such assets or property shall thereupon vest in the determining subdivision.

Section 24. Incorporation of another corporation by same determining subdivision. The formation or dissolution of one or more corporations incor-

porated under the provisions of this act shall not prevent the subsequent incorporation hereunder of other corporations pursuant to authorization by the same determining subdivision.

Section 25. Notice of bond resolution; contest to validity of bonds, etc.
(a) Upon the adoption by the board of any corporation of any resolution providing for the issuance of bonds, such corporation may, in the discretion of its board, cause a notice respecting the issuance of such bonds to be published once a week for two consecutive weeks in each county in which shall be located any facility financed or in any way assisted by the issuance of such bonds, such publication in each such county to be in a newspaper having general circulation therein. Such notice shall be in substantially the following form (the blanks being properly filled in), at the end of which shall be printed the name and title of either the chairman or secretary of such corporation: "_____, a public corporation and instrumentality of the state of Alabama, on the ____ day of _____, authorized the issuance of \$_____ principal amount of bonds (or notes or other obligations, as the case may be) of the said public corporation for purposes authorized in the act of the legislature of Alabama under which the said public corporation was organized. Any action or proceeding questioning or contesting the validity of the said bonds (or notes or other obligations), or the instruments securing the same, or the proceedings authorizing the same, must be commenced on or before _____ (here insert date determined in accordance with the provisions of subsection (b) of this section)."

(b) The date stated in such notice as the date on or before which any action or proceeding questioning or contesting the validity of the bonds referred to therein must be commenced shall be a date at least 30 days after the date on which occurs the last publication of such notice necessary for it to have been published at least once in all counties in which it is required to be published. Any action or proceeding in any court to set aside or question the proceedings for the issuance of the bonds referred to in such notice or to contest the validity of any such bonds, or the validity of any instruments securing the same, must be commenced on or before the date determined in accordance with the preceding sentence and stated in such notice as the date on or before which any such action or proceeding must be commenced. After such date no right of action or defense shall be asserted questioning or contesting the validity of such bonds, or the instruments securing the same, or the proceedings authorizing the same, nor shall the validity of such bonds or such instruments or proceedings be open to question in any court on any ground whatsoever, except in an action or proceeding commenced on or before such date.

Section 26. Provisions are cumulative. The provisions of this act are cumulative and shall not be deemed to repeal existing laws, except to the extent such laws are clearly inconsistent with provisions of this act.

Section 27. Liberal construction. This act shall be construed liberally to effect its purposes and neither this act nor anything herein contained is or shall be construed as a restriction or limitation upon any powers which any corporation might otherwise have under any laws of the state, and the provisions of this act are cumulative to any such powers.

This act does and shall be construed to provide a complete, additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to other laws. However, the issuance of bonds of any corporation under the provisions of this act need not comply with the requirements of any other law of the state gener-

ally applicable to the issuance of bonds, notes and other obligations by other public corporations organized under the laws of the state.

Section 28. Severability. In the event any section, sentence, clause or portion of this act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this act, which shall continue effective.

Section 29. Effective date of act. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator Little, said substitute was laid on the table.

Senator Little then offered the following substitute for the Bill, S. B. 426, to-wit:

SUBSTITUTE FOR S. B. 426

**A BILL
TO BE ENTITLED
AN ACT**

To make legislative findings regarding the need to provide additional methods of providing facilities employed in the provision of certain utility services, including water and sewer services, as well as the need for funds to finance such facilities; to define the particular terms used in the subsequent provisions of this act; to provide for and authorize the incorporation by any county or municipality in the state of one or more public corporations and instrumentalities of the state, upon the filing of an application with, and the making of certain determinations by, the governing body of a county or municipality; to provide for and authorize the certificate of incorporation of any such corporation to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such county or municipality; to provide for a board of directors of any such corporation and the election and removal of the members thereof; to authorize any such corporation to acquire, construct, own, lease, make loans with respect to, operate, or enter into contracts for the operation of, facilities, and to provide for the general powers to be exercised by any such corporation and the conditions under which such powers may be exercised; to empower any such corporation to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds and other obligations payable solely out of the revenues, receipts, income, funds or other sources specified in the proceedings under which such bonds, notes or other obligations are issued; to authorize any such corporation to pledge its revenues and mortgage or assign its assets as security for its notes, bonds or other obligations; to provide for the issuance of refunding bonds, notes or other obligations by any corporation for the purpose of refunding bonds, notes or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such corporation; to provide that the notes, bonds or other obligations of any such corporation shall not constitute or create a debt of the state or any county, municipality or other political subdivision or agency thereof; to provide that the notes, bonds and other obligations of any such corporation may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the state the property, corporate activities, revenues and income of such corporation, such transaction or actions to which each such corporation is a party or in which it may be involved, and the

notes, bonds and all other obligations of each such corporation and the income from such notes, bonds and obligations; to exempt any such corporation from all laws of the state governing usury or prescribing or limiting interest rates; to exempt any such corporation from all laws of the state requiring competitive bids for contracts to be entered into by counties, municipalities or public corporations; to exempt all utility services agreements and other contracts relating to the design, construction, acquisition, financing or operation of facilities financed by a corporation from all laws of the state requiring competitive bids for contracts to be entered into by counties, municipalities or public corporations and all laws relating to the maximum duration of contracts for the sale of personal property and contractual services to counties, municipalities or public corporations; to provide for liberal construction of the provisions of this act; to confer upon any corporation organized under the provisions of this act the power of eminent domain; to exempt any corporation organized under the provisions of this act from state supervision and control; to provide that any county, municipality or other political subdivision, agency or instrumentality of the state or any county or municipality may aid and cooperate with any such corporation, lend or donate money or perform services for the benefit thereof, and without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to authorize any county, municipality or other political subdivision, agency or instrumentality thereof and the Tannehill Furnace and Foundry Commission to enter into utility services agreements, for a term not exceeding forty (40) years, providing for the provision of utility services to such entity by a provider under circumstances in which the facilities for the provision of such utility services are financed, in whole or in part, by a corporation; to provide that such entity may unconditionally and absolutely obligate itself to make payments pursuant to such utility services agreement irrespective of the performance of the facilities or the delivery of the pertinent utility services; to provide that a utility services agreement may provide that when more than one such entity shall be a party to such a utility services agreement and one such entity shall default in its obligations thereunder, then the other such entity or entities may be obligated to assume the payment obligations of such defaulting entity; to provide legal and equitable remedies for the breach of utility services agreements; to prohibit any city, county or instrumentality of either thereof to enter into any utility services agreement or related agreements for the acquisition, construction, equipment or operation of any facilities unless the same shall have been approved by such entity after a public hearing following public notice; to provide that any such corporation shall be a nonprofit corporation; to provide that any such corporation may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes or other obligations by such corporation, and to provide that any action or proceeding questioning the validity of any such bonds, notes or other obligations or instruments securing the same must be commenced within thirty (30) days after the first publication of said notice; to provide for the dissolution of any such corporation and for the vesting of title to its properties; and to provide that the provisions of this act shall be severable.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative findings: It is hereby found and declared as follows:

(a) That the health, safety and welfare of the people of this state require the provision of certain utility services, including water and sewer services;

(b) That it is necessary for the legislature to provide additional methods by which the cities and counties in the state may provide new and improve existing utility services facilities;

(c) That historically a significant portion of the funding of the costs of construction of such utility services facilities has been provided through grants from the United States of America;

(d) That, in recent years, funds available to cities and counties from the United States of America for payment of costs of construction of utility services facilities has been substantially reduced, and it is anticipated that, in coming years, such funds may be further reduced or eliminated;

(e) That the result of the elimination of funding from the United States of America will be to place the entire burden of payment of costs of constructing and improving utility services facilities solely upon the cities and counties in the state;

(f) That the users of utility services facilities will be forced to pay increased charges in amounts sufficient to enable the cities and counties to provide funds to pay costs of constructing new and improved utility services facilities;

(g) That it may be impossible for cities and counties to raise rates with respect to the use of such utility services facilities to such levels as will provide funds sufficient to enable such cities and counties to pay substantially all of the costs of constructing and improving such utility services facilities;

(h) That the legislatures in other states of the United States of America, including surrounding states, have enacted or are considering legislation making available to cities and counties new and different methods of financing the costs of such utility services facilities, to the end that the entire burden of the loss of funds from the United States of America will not be placed directly on the users of such utility services in the form of substantially increased charges:

(i) That among the alternatives available to cities and counties in the construction of new and improved utility services facilities is the encouragement of private investment in the construction, ownership and operation of utility services facilities;

(j) That to the extent that the provision of utility services facilities in connection with private ownership and operation reduces the cost of service, the people of this state are greatly benefited by lower cost to the users of such utility services facilities:

(k) That to the extent that utility services charges in this state are substantially higher than in surrounding states, the industrial development of the state is adversely affected and the improvement of the quality of the environment of the state impeded.

The legislature, therefore, finds and declares that it is necessary, desirable and in the public interest that additional and alternative methods of providing for the construction and improvement of certain utility services facilities be provided; and that the provisions of this act are in the public interest and promote the health, welfare and safety of the citizens of this state.

Section 2. Definitions. The following words and phrases used in this act, and others evidently intended as the equivalent thereof, shall, in the

absence of a clear implication herein otherwise, be given the following respective interpretations herein:

"Applicant" means a natural person who files a written application with the governing body of any county or municipality in accordance with the provisions of section 3 hereof.

"Authorizing resolution" means a resolution or ordinance adopted by the governing body of any county or municipality in accordance with the provisions of section 3 hereof, that authorizes the incorporation of a corporation.

"Board" means the board of directors of a corporation.

"Bonds" means bonds, notes or other obligations representing an obligation to pay money.

"Corporation" means any public corporation organized pursuant to the provisions of this act.

"Costs" as applied to a facility or any portion thereof, shall include all or any part of the cost of construction, acquisition, alteration, enlargement, extension, reconstruction, improvement and remodeling of a facility, including all lands, structures, real or personal property, rights, rights-of-way, franchises, easements, permits, approvals, licenses and certificates and interests acquired or used for, in connection with or with respect to a facility, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring lands to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, underwriters' commissions or discounts, interest prior to, during and following completion of such construction and acquisition, provisions for reserves for both principal and interest and for maintenance, extensions, enlargements, additions and improvements to any facilities then being or theretofore acquired and all other amounts authorized by any corporation to be paid into any special funds from proceeds of bonds issued by the corporation, the cost of architectural, engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and revenues, administrative expenses, expenses necessary or incident to determining the feasibility or practicability of constructing a facility and such other expenses as may be necessary or incident to the construction and acquisition of a facility, the financing of such construction and acquisition and the placing of a facility in operation.

"County" means any county in the state.

"Determining county" means, with respect to a corporation, any county the governing body of which shall have made findings and determinations of fact pertaining to the organization of such corporation in accordance with the provisions of section 3 of this act.

"Determining municipality" means, with respect to a corporation, any municipality the governing body of which shall have made findings and determinations of fact pertaining to the organization of such corporation, in accordance with the provisions of section 3 of this act.

"Determining subdivision" means, with respect to a corporation, any determining county or determining municipality and, with respect to an instrumentality, the county or municipality or combination thereof whose governing body is empowered to incorporate or otherwise establish such instrumentality.

“Director” means a member of the board of a corporation.

Eligible investment” includes (a) any time deposit with, or any certificate of deposit issued by, (i) any bank which is organized under the laws of the United States of America or any state thereof and deposits in which are insured by the Federal Deposit Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation or (ii) any savings and loan association which is organized under the laws of the United States of America or any state thereof and deposits in which are insured by the Federal Savings and Loan Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation; (b) any debt securities that are direct, general obligations of the United States of America; (c) any debt securities the payment of the principal of and interest on which is unconditionally guaranteed by the United States of America; (d) any debt securities that are direct, general obligations of any agencies or instrumentalities of the United States of America, including the following: the Export-Import Banks of the United States, the Federal Farm Credit Banks, the Federal Land Banks, the Federal Intermediate Credit Banks, the Banks for Cooperatives, the Federal Home Loan Banks (including any joint obligations of any two or more of the foregoing agencies), the Federal Home Loan Mortgage Corporation (including participation certificates of the last named agency), the Government National Mortgage Association (including participation certificates of the last named agency), the Tennessee Valley Authority, the Federal Reimbursement Bank and the Farmers Home Administration; (e) any debt securities that are direct, general obligations of the Federal National Mortgage Association; (f) prime commercial paper or finance company paper which is rated not less than prime one or the equivalent thereof by Moody’s Investors Service, Inc., or Standard & Poor’s Corporation, or their successors; (g) units of investment in any money market fund which is rated not less favorably than A (or the equivalent thereof) by Moody’s Investors Service, Inc., or Standard & Poor’s Corporation, or their successors; and (h) any debt obligation in which an insurance company organized under the laws of the state may legally invest its money at the time of investment by an authority.

“Facility” means property or collections of property used to provide utility services, including all land, rights-of-way, property rights, franchise rights, buildings and other structures, machinery, equipment, vehicles, furniture, fixtures, reservoirs, wells, intakes, mains, laterals, pipes, aqueducts and all other property, rights, easements and interests necessary or desirable in connection therewith.

“Governing body” means, with respect to a municipality, its city or town council, board of commissioners, or other like governing body exercising the legislative functions of a municipality and, with respect to a county, its county commission or other like governing body exercising the legislative functions of a county and, with respect to an instrumentality or Tannehill Furnace and Foundry Commission, its board of directors or other like governing body duly constituted to exercise the ultimate decision-making functions of such instrumentality or said Tannehill Furnace and Foundry Commission, as the case may be.

“Governmental user” means any county or municipality, or any instrumentality of either thereof (including, without limitation to, any corporation incorporated hereunder) or Tannehill Furnace and Foundry Commission,

that receives, participates in or otherwise partakes of utility services pursuant to a utility services agreement.

"Incorporators" means the persons forming a public corporation pursuant to the provisions of this act.

"Instrumentality" means, with respect to any county or municipality, any public corporation, public authority, board, commission or other similar body that is incorporated, established or controlled by such county or municipality.

"Municipality" means an incorporated municipality in the state.

"Person" means any natural person, public or private corporation (including, without limitation to, any corporation incorporated hereunder), partnership, trust, foundation, government or governmental body, political subdivision or other legal entity.

"Provider" means any person that provides utility services to any user pursuant to a utility services agreement.

"Revenues" means all rentals, receipts, income and other charges derived or received or to be derived or received by the corporation, from any of the following: the operation by the corporation of a facility or facilities, or part of either thereof; the sale, including installment sales or conditional sales, lease, sublease or use or other disposition of any facility or portion thereof; repayment of any loan with respect to any facility or the operation thereof; contracts, agreements or franchises with respect to a facility (or portion thereof); any gift or grant; proceeds of bonds to the extent of use thereof for payment of principal of, interest or premium, if any, on the bonds is authorized by the corporation; proceeds from any insurance, condemnation or guaranty pertaining to a facility or property mortgaged to secure bonds or pertaining to the financing of a facility; and income and profit from the investment of the proceeds of bonds or of any revenues.

"State" means the state of Alabama.

"Tannehill Furnace and Foundry Commission" means the "Tannehill Furnace and Foundry Commission" created under Article 10 of Chapter 9 of Title 41 of Code of Alabama 1975, as amended.

"Utility services" means any services for (i) the collection, treatment and delivery of water, whether such water is used for human consumption or industrial use, and (ii) the collection, treatment and disposal of sewage, wastewater, industrial effluent or other fluid waste.

"Utility services agreement" means any agreement between or among one or more users and one or more providers, whether such agreement is in the form of a lease, a service contract, a contract of sale or in any other form, pursuant to which a provider or providers shall agree to provide one or more utility services to, or for the benefit of, such user or users under circumstances in which the facilities for the provision of such utility services are financed, in whole or in part, by a corporation.

"User" means any person that receives, participates in or otherwise partakes of utility services pursuant to a utility services agreement, and includes any governmental user.

Section 3. Filing of application for incorporation of a corporation; authorization of incorporation by governing body of county or municipality. A public corporation may be organized pursuant to the provisions of this act

in any county or municipality. In order to incorporate such a public corporation, any number of natural persons, not less than three, who are duly qualified electors of the determining county or the determining municipality, as in the case may be applicable, shall first file a written application with the governing body of such county or municipality, which application shall:

(1) Contain a statement that the applicants propose to incorporate a corporation pursuant to the provisions of this act;

(2) State the proposed location of the principal office of the corporation;

(3) State that each of the applicants is a duly qualified elector of the county or the municipality with whose governing body such application is filed; and

(4) Request that the governing body of such county or municipality adopt a resolution declaring that it is wise, expedient, necessary or advisable that the proposed corporation be formed and authorizing the applicants to proceed to form the proposed corporation by the filing for record of a certificate of incorporation in accordance with the provisions of section 4 hereof.

Every such application shall be accompanied by such supporting documents or evidence as the applicants may consider appropriate. As promptly as may be practicable after the filing of the application with it in accordance with the provisions of this section, the governing body of the county or the municipality with which the application was filed shall review the contents of the application, and shall adopt a resolution either denying the application or declaring that it is wise, expedient, necessary or advisable that the proposed corporation be formed and authorizing the applicants to proceed to form the proposed corporation by the filing for record of a certificate of incorporation in accordance with the provisions of section 4 hereof. The governing body with which the application is filed shall also cause a copy of the application to be spread upon or otherwise made a part of the minutes of the meeting of such governing body at which final action upon said application is taken.

Section 4. Incorporation procedure; contents, execution and filing of certificate of incorporation. (a) Within 40 days following the adoption of an authorizing resolution the applicants shall proceed to incorporate a corporation by filing for record in the office of the judge of probate of the county or one of the counties in which the determining subdivision is located a certificate of incorporation which shall comply in form and substance with the requirements of this section and which shall be in the form and executed in the manner herein provided.

(b) The certificate of incorporation of the corporation shall state:

(1) The names of the persons forming the corporation, and that each of them is a duly qualified elector of the determining subdivision;

(2) The name of the corporation [which shall be "The Governmental Utility Services Corporation of _____," with the insertion of the name of the determining subdivision (which name may include additional wording identifying the region served by the facility), unless the secretary of state shall determine that such name is identical to the name of any other corporation organized under the laws of the state or so nearly similar thereto as to lead to confusion and uncertainty, in which case the incorpora-

tors may insert additional identifying words so as to eliminate said duplication or similarity];

(3) The period for the duration of the corporation (if the duration is to be perpetual, subject to the provisions of section 23 hereof, that fact shall be stated);

(4) The name of the determining subdivision together with the date on which the governing body thereof adopted the authorizing resolution;

(5) The location of the principal office of the corporation, which shall be within the boundaries of the determining subdivision;

(6) That the corporation is organized pursuant to the provisions of this act; and

(7) Any other matters relating to the corporation that the incorporators may choose to insert and that are not inconsistent with this act or with the laws of the state.

(c) The certificate of incorporation shall be signed and acknowledged by the incorporators before an officer authorized by the laws of the state to take acknowledgments to deeds. When the certificate of incorporation is filed for record, there shall be attached to it (1) a copy of the application as filed with the governing body of the determining subdivision in accordance with the provisions of section 3 hereof, (2) a certified copy of the authorizing resolution adopted by the governing body of the determining subdivision, and (3) a certificate by the secretary of state that the name proposed for the corporation is not identical to that of any other corporation organized under the laws of the state or so nearly similar thereto as to lead to confusion and uncertainty.

(d) Upon the filing for record of the said certificate of incorporation and the documents required by the preceding sentence to be attached thereto, the corporation shall come into existence and shall constitute a public corporation under the name set forth in said certificate of incorporation. The judge of probate shall thereupon send a notice to the secretary of state that the certificate of incorporation of the corporation has been filed for record.

(e) The authorization of the incorporation of one corporation shall not preclude the authorization by the governing body of any determining subdivision of the incorporation of other such authorities; provided, that such other corporations shall be required to adopt names or designations sufficient to distinguish them from any corporation theretofore incorporated.

Section 5. Amendments to certificate of incorporation. The certificate of incorporation of any corporation incorporated under the provisions of this act may at any time and from time to time be amended in the manner provided in this section. The board shall first adopt a resolution proposing an amendment to the certificate of incorporation which shall be set forth in full in the said resolution and which amendment may include any matters which might have been included in the original certificate of incorporation.

After the adoption by the board of a resolution proposing an amendment to the certificate of incorporation of the corporation, the chairman of the board and the secretary of the corporation shall sign and file a written application in the name of and on behalf of the corporation, under its seal, with the governing body of the determining subdivision, requesting such governing body to adopt a resolution approving the proposed amendment, and accompanied by a certified copy of the said resolution adopted by the

board proposing the said amendment to the certificate of incorporation, together with such documents in support of the application as the said chairman may consider appropriate. As promptly as may be practicable after the filing of the said application with the governing body of the determining subdivision pursuant to the foregoing provisions of this section, that governing body shall review the said application and shall find and determine whether it is wise, expedient, necessary or advisable for the said amendment to be made. In finding and determining whether it is wise, expedient, necessary or advisable for the said amendment to be made, the said governing body may consider, in conjunction with any other factors it may deem relevant, alternative means of accomplishing any lawful objective or purpose of the said amendment affecting the public interest. If the said governing body finds and determines that it is wise, expedient, necessary or advisable for the said amendment to be made, it shall adopt a resolution declaring that it has reviewed the said application and has found and determined as a matter of fact that it is wise, expedient, necessary or advisable for the said amendment to be made; if the said governing body finds and determines that it is not wise, expedient, necessary or advisable for the said amendment to be made, it shall deny the application. Such governing body shall also cause a copy of the said application and all accompanying documents to be spread upon or otherwise made a part of the minutes of the meeting of said governing body at which final action upon the said application is taken.

Within 40 days following the adoption by the governing body of the determining subdivision of a resolution finding and determining as a matter of fact that it is wise, expedient, necessary or advisable for said amendment to be made, the chairman of the board of the corporation and the secretary of the corporation shall sign, and file for record in the office of the judge of probate with which the certificate of incorporation of the corporation was originally filed a certificate in the name of and in behalf of the corporation, under its seal, reciting the adoption of said respective resolutions by the board and by the said governing body and setting forth the said proposed amendment. If the proposed amendment provides for a change in the name of the corporation, there shall be filed, together with the certificate required by the immediately preceding sentence, a certificate by the secretary of state showing that the proposed new name of the corporation is not identical to that of any other corporation then in existence and organized under the laws of the state or so nearly similar to that of any other such corporation as to lead to confusion and uncertainty. The judge of probate shall promptly examine each such certificate and shall determine whether it is complete and regular on its face and whether the proposed amendment complies with the provisions of this act. If the judge of probate shall find that each such certificate is complete and regular on its face and that the proposed amendment complies with the provisions of this act, he shall require each such certificate to be recorded in the permanent records maintained in his office. Upon the filing of the aforesaid certificates, the said amendment to the certificate of incorporation shall become effective. If the proposed amendment effects a change in the name of the corporation, the judge of probate shall promptly send a notice to the secretary of state, advising him of such change. No certificate of incorporation of a corporation shall be amended except in the manner provided in this section.

Section 6. Board of directors of corporation; election; terms of office; vacancies; qualifications; expenses; impeachment. (a) Each corporation shall be governed by a board of directors. All powers of the corporation shall be exercised by the board or pursuant to its authorization. The board shall consist of three directors who shall be elected by the governing body of the

determining subdivision for staggered terms as hereinafter provided. The governing body of the determining subdivision shall specify for which term each director is elected. The initial term of office of one director shall begin immediately upon his election and shall end at 12:01 o'clock, A.M., on January 1 of the first succeeding odd-numbered calendar year following his election. The initial term of office of another director shall begin immediately upon his election and shall end at 12:01 o'clock, A.M., on January 1 of the second succeeding odd-numbered calendar year following his election. The initial term of the remaining director shall begin immediately upon his election and shall end at 12:01 o'clock, A.M., on January 1 of the third succeeding odd-numbered calendar year following his election. Thereafter, the term of office of each such director shall be six years. If at any time there should be a vacancy on the board, a successor director to serve for the unexpired term applicable to such vacancy shall be elected by the governing body of the determining subdivision. If the term of office being served by any director shall expire prior to the election of such director for a new term or prior to the election of his successor by the governing body of the determining subdivision, such director shall continue to serve until his successor is elected and qualified, and if such director is elected for a new term after the expiration of the immediately preceding term which he has been serving, his new term of office shall be deemed to have commenced as of the expiration of such immediately preceding term.

(b) Any officer of the determining subdivision shall be eligible for appointment and may serve as a member of the board for the term for which he is appointed or during his tenure as an officer of the determining subdivision, whichever expires first, but he shall not receive a fee for his services; provided, however, that at no time shall the board consist of more than one officer of the determining subdivision. Each director must be a duly qualified elector of the determining subdivision. Directors shall be eligible for reelection. Each director shall be reimbursed for expenses actually incurred by him in and about the performance of his duties. No director shall vote on or participate in the discussion or consideration of any matter coming before the board in which he, his immediate family or any business enterprise with which he is associated has any direct or indirect pecuniary interest; provided, however, that when any such matter is brought before the board, any director having an interest therein which may be in conflict with his obligations as a director shall immediately make a complete disclosure to the board of any direct or indirect pecuniary interest he may have in such matter prior to removing himself and withdrawing from the board's deliberations and vote on the matter presented.

(c) A majority of the directors shall constitute a quorum for the transaction of business. No vacancy in the membership of the board or the voluntary disqualification or abstention of any member thereof shall impair the right of a quorum to exercise all of the powers and duties of the corporation.

(d) Any director of the corporation may be impeached and removed from office in the same manner and on the same grounds provided in section 175 of the Constitution of Alabama, or successor provision thereof, and the general laws of the state for impeachment and removal of the officers mentioned in section 175, or successor provision thereof.

(e) All proceedings of the board shall be reduced to writing by the secretary of the corporation and maintained in the permanent records of the corporation. Copies of such proceedings, when certified by the secretary of the corporation under the seal of the corporation, shall be received in all courts as evidence of the matters therein certified.

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Section 7. Officers of corporation. The officers of a corporation shall consist of a chairman, a vice-chairman, a secretary, a treasurer and such other officers as its board shall deem necessary or appropriate. The offices of secretary and treasurer may but need not be held by the same person. The chairman and vice-chairman of a corporation shall be elected by the board from the membership thereof; the secretary, the treasurer, and any other officers of the corporation may but need not be members of the board and shall also be elected by the board. The chairman, vice-chairman, secretary and treasurer of the corporation shall also be the chairman, vice-chairman, secretary and treasurer of the board, respectively.

Section 8. Powers of corporation; location of facilities of corporation.
(a) Every corporation shall have all of the powers necessary and convenient to carry out and effectuate the purposes and provisions of this act, including (without limiting the generality of the foregoing) the following powers:

(1) To have succession in its corporate name for the duration of time (which may be in perpetuity, subject to the provisions of section 22 hereof) specified in its certificate of incorporation;

(2) To sue and be sued in its own name in civil suits and actions and to defend suits against it;

(3) To adopt and make use of a corporate seal and to alter the same at pleasure;

(4) To adopt, alter and repeal bylaws, regulations and rules, not inconsistent with the provisions of this act, for the regulation and conduct of its affairs and business;

(5) To acquire, whether by gift, purchase, transfer, foreclosure, lease or otherwise, to construct and to expand, improve, operate, maintain, equip and furnish one or more facilities, including all real and personal properties that its board may deem necessary in connection therewith, regardless of whether or not any such facility shall then be in existence and, if in existence, regardless of whether or not any such facility is then owned or leased by any person to which such facility may subsequently be sold or leased by such corporation;

(6) To borrow money and to sell and issue bonds as hereinafter provided for any corporate use or purpose;

(7) To lease to any person or persons all or any part of any facility or facilities that are or are to be owned by it, to charge and collect rent therefor and to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof, all upon such terms and conditions as its board may deem advisable;

(8) To contract to sell, convey or dispose of and to sell, convey or dispose of all or any part of a facility (including but not limited to the granting of options to purchase a facility to any person), all for such consideration and upon such terms and conditions as its board may deem advisable;

(9) In connection with the financing of the acquisition, construction or operation of one or more facilities, to lend, upon such terms and conditions as its board may deem advisable, all or any portion of the proceeds derived from the issuance of its bonds for one or more or any combination of the following purposes:

(a) To enable such person to borrow an amount not substantially in excess of the equity (determined on any basis not resulting in a higher value

for any facility in question than the estimated replacement cost or the appraised market value thereof, whichever may be greater) which such person may then have in any facility or facilities;

(b) To enable such person to refinance any outstanding indebtedness incurred or assumed in connection with the acquisition, improvement or operation of any existing facility or facilities;

(c) To enable such person to finance the costs of acquiring, by purchase, construction or otherwise, one or more facilities and/or the costs of expanding or improving one or more facilities, regardless of whether any such facility has theretofore been owned or leased by such person or is to be acquired or leased by such person; and

(d) To enable such person to borrow working capital for use in the operation of one or more facilities.

(10) To pledge for payment of any bonds issued or assumed by the corporation any revenues from which such bonds are payable as herein provided, and to mortgage or pledge any or all of its facilities or any part or parts thereof, whether then owned or received or thereafter acquired or received, and to pledge any revenues from which such bonds are payable as herein provided as security for the payment of the principal of and the interest and premium, if any, on any bonds so issued and any agreements (including, without limitation, any utility service agreements) made in connection therewith;

(11) To assume obligations secured by a lien on or secured by and payable out of or secured by a pledge of any facility or facilities or part thereof or the revenues derived from any facility or facilities that may be acquired by the corporation;

(12) To make, enter into, and execute such contracts, agreements, leases and other instruments (including, without limitation to, utility service agreements) and to take such other actions as may be necessary or convenient to accomplish any purpose for which such corporation was organized or to exercise any power expressly granted hereunder;

(13) To enter into contracts with, to accept aid, loans and grants from, to cooperate with and to do any and all things not specifically prohibited by this act or the Constitution or other applicable laws of the state that may be necessary in order to avail itself to the aid and cooperation of the United States of America, the state or any agency, instrumentality or political subdivision of either thereof in furtherance of the purposes of this act;

(14) To receive and accept from any source aid or contributions in the form of money, property, labor or other things of value, to be held, used and applied to carry out the purposes of this act, subject to any lawful condition upon which such aid or contributions may be given or made;

(15) To appoint, employ and contract with such employees and agents, including but not limited to, architects, engineers, attorneys, accountants, financial experts, fiscal agents and such other advisors, consultants and agents as may in its judgment be necessary or desirable, and to fix their compensation;

(16) To enter into a management contract or contracts with any municipality, any county, or any person or persons for the management, supervision or operation of all or any part of its facilities as may in the judgment of such corporation be necessary or desirable in order to perform more effi-

ciently or economically any function for which it may become responsible in the exercise of the powers conferred upon it by this act.

(17) To procure insurance against any loss in connection with its property and other assets in such amounts and from such insurers as its board may deem desirable;

(18) To the extent permitted by the contracts of such corporation with the holders of its bonds and if not otherwise specifically prohibited by any other provision of this act, to invest its moneys (including, without limitation, the moneys held in any special fund created pursuant to any trust indenture or agreement or resolution securing any of its bonds and proceeds from the sale of any bonds) not required for immediate use in eligible investments;

(19) To include in any borrowing by such corporation such amounts as may be deemed necessary by its board to pay bond discount, commissions or other financing charges, interest on the obligations issued in evidence of such borrowing for such period as its board shall deem advisable, fees and expenses of financial advisors and planning and management consultants, all legal, accounting, publishing, printing, recording and filing fees and expenses and such other expenses as shall be necessary or incident to such borrowing;

(20) To the extent permitted by its contracts with the holders of its bonds, to purchase bonds of such corporation out of any of its funds or moneys available therefor and to hold, cancel or resell such bonds;

(21) To secure payment of bonds or other obligations of such corporation, including performance obligations relating to processes and facilities involved in providing utility services, by procuring or agreeing to procure (i) insurance or guarantees from the United States of America or any agency or instrumentality thereof, or (ii) insurance, guarantees, letters of credit and other sureties from banks, insurance companies and other financial institutions, and to pay premiums, commissions and fees necessary to procure such insurance, guarantees, letters of credit or other sureties;

(22) To establish and maintain one or more special debt service reserve funds and such other special fund or funds as may be necessary or desirable for its corporate purposes and to pay into each such fund any moneys contributed or granted to such corporation for the purpose of such fund by any governmental or public entity or any private party, any proceeds from the sale of bonds to the extent provided in the resolution adopted by the board of such corporation authorizing the issuance of such bonds and any other moneys which may be made available to such corporation for the purpose of such fund from any other source or sources.

(23) To require payments in lieu of taxes with respect to any facilities to be made by a provider to the state, a county or a municipality, or any two or more thereof; and

(24) To do any and all things necessary or convenient to carry out its purposes and to exercise its powers pursuant to the provisions of this act.

(b) Any facility or facilities of a corporation organized pursuant to determination by a determining municipality may be located within or without or partially within and partially without the determining municipality, subject to the following conditions:

(1) No such facility or part thereof shall be located more than 30 miles from the corporate limits of the determining municipality;

(2) No such facility or part thereof shall be located within the corporate limits of a municipality other than the determining municipality in this state unless the governing body of such other municipality has first adopted a resolution consenting to the location of such facility or part thereof in such municipality; and

(3) No such facility or part thereof shall be located in a county other than that (or those) in which the determining municipality (or part thereof) is situated unless the governing body of such other county has first adopted a resolution consenting to the location of such facility or part thereof in such county.

(c) Any facility or facilities of a corporation organized pursuant to determination by a determining county may be located within or without or partially within and partially without the determining county, subject to the following conditions:

(1) No part of a facility shall be located more than three miles outside the boundaries of the determining county;

(2) In no event shall any facility or part thereof be located within the corporate limits of a municipality unless the governing body of such municipality has first adopted a resolution consenting to the location of such facility or part thereof in such municipality; and

(3) No such project or part thereof shall be located in a county other than the determining county unless the governing body of such other county has first adopted a resolution consenting to the location of a part of such facility in such other county.

Section 9. Bonds of corporation—generally. (a) Any corporation shall have the power to issue, sell and deliver at any time and from time to time its bonds in such principal amount or amounts as its board shall determine to be necessary to provide sufficient funds for achieving any of its corporate purposes, including the payment of interest on any of its bonds, the establishment of reserves to secure any such bonds and all other expenditures of such corporation incident to and necessary or convenient to carry out its corporate purposes and powers. Any corporation shall also have the power to issue from time to time bonds to renew bonds and bonds to pay bonds, including interest thereon and, whenever it deems refunding expedient, to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured, and to issue bonds partly to refund bonds then outstanding and partly for any other of its corporate purposes.

(b) The bonds issued by any corporation shall be authorized by resolution or resolutions adopted by its board, shall bear such date or dates and shall mature at such time or times as such resolution or resolutions may provide, except that no bond shall mature more than 40 years from date of its issue. The bonds of any corporation may be issued as serial bonds or as term bonds or as a combination thereof. The bonds of any corporation shall bear interest at such rate or rates, be in such form and denominations, either coupon or registered, carry such registration privileges, be executed by such officers of such corporation and in such manner, be payable in such medium of payment, at such place or places within or without the state and be subject to such terms of redemption as may be provided in the resolution or resolutions by which they are authorized to be issued. The bonds of any corporation may be sold by such corporation at public or private sale at such price or prices as such corporation shall determine. If such action shall be deemed advisable by the board, there may be retained in the proceedings

under which any of such bonds are authorized to be issued an option to redeem all or any part thereof as may be specified in such proceedings, at such price or prices and after such notice or notices and on such terms and conditions as may be set forth in such proceedings and as may be recited in summary form on the face of such bonds; provided that any bond of any corporation having a specified maturity more than 15 years after its date shall be made subject to redemption at the option of such corporation at the expiration of 15 years from its date and on any interest payment date thereafter at such price or prices and after such notice or notices and on such terms and in such manner as may be provided in the resolution adopted by the board of such corporation authorizing the issuance of such bond. Any corporation may pay all expenses, premiums and commissions which its board may deem necessary and advantageous in connection with the issuance of any of its bonds. Issuance by any corporation of one or more series of bonds for one or more purposes shall not preclude it from issuing other bonds, but the resolutions whereunder any subsequent bonds may be issued shall recognize and protect any prior pledge or mortgage made for the benefit of any prior issue of bonds, unless in the proceedings authorizing such prior issue the right was reserved to issue subsequent bonds on a parity with such prior issue.

(c) Prior to the preparation of definitive bonds, the corporation may issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The corporation may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost.

(d) All obligations created or assumed and all bonds issued or assumed by any corporation shall be solely and exclusively an obligation of such corporation and shall not create an obligation or debt of the state, the determining subdivision, any other county or, municipality or any other political subdivision of the state or any instrumentality or governmental agency existing under the laws thereof; provided, that the provisions of this subsection shall not be construed to release the original obligor from liability on any bond or other obligation assumed by the corporation.

Section 10. Security for payment of bonds; contracts and agreements to secure. (a) Bonds issued by any corporation may, as its board may deem advisable, be either general obligations of such corporation or limited obligations payable only out of certain specified revenues or assets of such corporation; provided, that any corporation may enter into contracts with the holders of any of its bonds preventing such corporation from thereafter issuing general obligation bonds or limiting the amount of such bonds that may thereafter be issued. To the extent permitted by any contracts with the holders of outstanding bonds and any other contractual obligations or requirements, any corporation may pledge any of its revenues or mortgage or assign any of its assets, whether real or personal and whether tangible or intangible, to secure the payment of any of its bonds.

(b) As security for payment of the principal of and the interest and premium, if any, on any bonds issued or assumed by it, any corporation may enter into a contract or contracts, and adopt resolutions or other proceedings containing provisions constituting a part of the contract or contracts with the holders of such bonds, pertaining to, among other things, the following matters:

(1) Pledging all or any part of the revenues of such corporation to se-

cure the payment of such bonds, subject to contracts with the holders of its then outstanding bonds;

(2) Pledging, assigning or mortgaging all or any part of the assets of such corporation to secure the payment of such bonds, subject to contracts with the holders of its then outstanding bonds;

(3) The creation of reserves, sinking funds or other funds and the regulation and disposition thereof;

(4) Limitations on the purpose to which the proceeds of sale of such bonds may be applied and pledging such proceeds to secure the payment of such bonds;

(5) Limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured and the refunding of outstanding bonds;

(6) Binding the corporation to impose and collect reasonable rates for and the imposition of reasonable regulations respecting any service rendered from or with respect to any facility or facilities;

(7) The procedure, if any, by which the terms of any contract with the holders of such bonds may be amended or abrogated, the amount of bonds the holders of which must consent thereto and the manner in which such consent may be given;

(8) Limitations on the amount of moneys to be expended by such corporation for its operating expenses;

(9) Vesting in a trustee or trustees such property, rights, powers and duties as such corporation may determine;

(10) Defining the acts or omissions to act that shall constitute a default in the performance of the obligations and duties of such corporation to the holders of such bonds and providing for the rights and remedies of such holders in the event of such default; provided, however, that such rights and remedies shall not be inconsistent with the general laws of the state and the other provisions of this act; and

(11) Any other matters of like or different character which in any way affect the security or protection of the holders of such bonds.

(c) Any mortgage of property granted by any corporation, any security interest in property created by it or any assignment or pledge of revenues or contract rights made by it, in each case to secure the payment of its bonds, shall be valid and binding from the time when such mortgage is granted, such security interest is created or such assignment or pledge is made, as the case may be, and the property so mortgaged, the property with respect to which such security interest is so created and the revenues and contract rights so assigned or pledged shall immediately (or as soon thereafter as such corporation obtains any right thereto or interest therein) be subject to such mortgage, security interest, assignment or pledge, as the case may be, without physical delivery of any property, revenues or contract documents covered thereby or any further act, and the lien of any such mortgage, security interest, assignment or pledge shall be valid and binding as against all persons having claims of any kind in tort, contract or otherwise against such corporation, irrespective of whether such persons have actual notice thereof, from the time notice of such mortgage, security interest, assignment or pledge is filed for record (i) in the office of the judge of probate in which the certificate of incorporation of such corporation was filed for record and

(ii) in the case of any mortgage or security interest covering any tangible property, whether real, personal or mixed, in the office of the judge of probate of the county in which such property is or is to be located pursuant to any agreement made by such corporation with any person respecting the location and use of such property. Such notice shall contain a statement of the existence of any such mortgage, security interest, assignment or pledge, as the case may be, a description of the property, revenues or contract rights subject thereto and a description of the bonds secured thereby, all in terms sufficient to give notice to a reasonably prudent person of the existence and effect of any such mortgage, security interest, assignment or pledge. If the requirements of the preceding sentence are met, such notice may consist of (i) a summary statement prepared specially for the purpose of serving as such notice, (ii) an executed counterpart of any mortgage, security agreement, assignment, trust indenture or any other instrument granting such mortgage, creating such security interest or making such assignment or pledge, as the case may be, or (iii) a certified copy of the resolution adopted by the board of such corporation authorizing such mortgage, security interest, assignment or pledge, as the case may be.

(d) Any corporation shall have power, subject to contracts with the holders of its then outstanding bonds, to purchase for retirement and cancellation any of its bonds and to use any of its available funds for such purpose, provided that, if such bonds are then redeemable, the purchase price thereof shall not exceed the redemption price then applicable, plus accrued interest thereon to the date of purchase, and if such bonds are not then redeemable, the purchase price thereof shall not exceed the redemption price applicable on the earliest date after such purchase upon which such bonds become subject to redemption, plus accrued interest thereon to the date of purchase.

(e) The bonds of any corporation may, at the discretion of such corporation, be issued under and secured by a trust indenture or trust indentures by and between such corporation and a corporate trustee, which may be any trust company or bank having the power of a trust company within or without the state. Any such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of such corporation in relation to the exercise of its corporate powers and the custody, safeguarding and application of all moneys. Such authority may provide by any such trust indenture for the payment to the trustee thereunder or other depository of the proceeds of any bonds issued thereunder and any revenues pledged for the security of such proceeds and revenues, with such safeguards and restrictions as it may determine. All expenses incurred in connection with such trust indenture may be treated as part of the operating expenses of such corporation.

(f) Whether or not the bonds of any corporation are of such form and character as to be negotiable instruments under the terms of the Alabama Uniform Commercial Code, such bonds are hereby made negotiable instruments within the meaning of the Alabama Uniform Commercial Code and for all purposes thereof, subject only to any registration provisions of such bonds. In case any of the directors or officers of any corporation whose signatures appear on any bonds or coupons appertaining to any bond shall cease to be such directors or officers before the delivery of such bonds or coupons, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if such directors or officers had remained in office until such delivery.

(g) The directors and officers of any corporation shall not be subject to any personal liability by reason of the issuance of any bonds of such corporation.

Section 11. Proceeds from sale of bonds. All moneys derived from the sale of any bonds issued by a corporation shall be used solely for the purpose or purposes for which the same are authorized; provided, however, that if for any reason any part of such proceeds shall not be necessary for such purposes, then such unexpended part of such proceeds shall be applied to the payment of the principal or of interest on the said bonds. All accrued interest and premium received in any such sale shall be applied to the payment of interest or principal on the bonds sold.

Section 12. Refunding bonds. (a) Any bonds issued or assumed by a corporation may from time to time be refunded by the issuance, by sale or exchange, of refunding bonds payable from the same or different sources for the purpose of paying all or any part of the principal of the bonds to be refunded, any redemption premium required to be paid as a condition to the redemption prior to maturity of any such bonds that are to be so redeemed in connection with such refunding, any accrued and unpaid interest on the bonds to be refunded, any interest to accrue on each bond to be refunded to the date on which it is to be paid, whether at maturity or by redemption prior to maturity, and the expenses incurred in connection with such refunding including, without limitation to, attorneys' fees, costs of printing the refunding bonds, financial advisors' fees and accountants' fees; provided, that unless such bonds are duly called for redemption pursuant to provisions contained therein, the holders of any such bonds then outstanding and proposed to be refunded shall not be compelled without their consent to surrender their outstanding bonds for such refunding. The issuance of such refunding bonds, the maturities and other details thereof, the rights of the holders thereof and the rights, duties and obligations of such corporation in respect thereof shall be governed by the provisions of this act relating to the issuance of bonds generally, to the extent that such provisions may be appropriate therefor.

(b) Refunding bonds issued by any corporation may be sold or exchanged for outstanding bonds issued under this act and, if sold, the proceeds thereof may be applied, in addition to any other authorized purposes, to the purchase, redemption or payment of such outstanding bonds. Pending the application of the proceeds of any such refunding bonds for any of the purposes provided in this section, such proceeds may be invested in any eligible investments pursuant to an escrow agreement providing for the future application of such proceeds in accordance with such purposes.

Section 13. Freedom of corporation from supervision and control of state; applicability of certain laws regarding operation of facilities. (a) This act is intended to aid the state through the furtherance of the purposes of the act by providing appropriate and independent instrumentalities with full and adequate powers to fulfill their functions. Except as expressly provided in this act, no proceeding, notice or approval shall be required for the incorporation of any corporation or the amendment of its certificate of incorporation, the purchase of any note or other instrument secured by a mortgage, deed of trust, note or other security interest, the issuance of any bonds, the execution of any mortgage and deed of trust or trust indenture, or the exercise of any other of its powers by a corporation. Neither a public hearing nor the consent of the state department of finance or any other department, agency, bureau, board or corporation of the state shall be prerequisite to the issuance of bonds by a corporation.

(b) Each corporation shall, however, be subject to the provisions of the laws of this state respecting the operation of facilities of the corporation, including particularly the provisions of Chapters 23, 25 and 26 of Title 22 of the Code of Alabama of 1975.

Section 14. Power of eminent domain. Each corporation organized under the provisions of this act is hereby granted the power of eminent domain and may exercise such power in the manner provided by law for the purpose of obtaining real property for any facility or part thereof.

Section 15. Contacts; cooperation; aid and agreements from other bodies. (a) For the purpose of attaining the objectives of this act, any county, municipality or other political subdivision, public corporation, agency or instrumentality of the state, a county or municipality may, upon such terms and with or without consideration, as it may determine, do any or all of the following:

(1) Lend or donate money to any corporation or perform services for the benefit thereof;

(2) Donate, sell, convey, transfer, lease or grant to any corporation, without the necessity of authorization at any election of qualified voters, any property of any kind; and

(3) Do any and all things, whether or not specifically authorized in this section, not otherwise prohibited by law, that are necessary or convenient to aid and cooperate with any corporation in attaining the objectives of this act.

(b) Without in any way limiting the generality of the foregoing, any municipality, county or any political subdivision or agency of the state or of a county or municipality, a public corporation or any other entity is authorized to convey to the corporation, and the corporation in turn is authorized to convey to any person, any existing facility, it being hereby specifically declared that the agreement of any person to whom such conveyance is made to provide a facility or facilities that are in full compliance with all such applicable federal and state laws and regulations shall be deemed to be adequate consideration for any such transfer.

Section 16. Utility services agreements; incurring indebtedness by governmental users; enforceability of utility services agreements. (a) Any county or municipality, or any instrumentality of either thereof, if authorized by resolution or ordinance of its governing body, may enter into one or more utility services agreements with a provider or providers pursuant to which such provider or providers shall provide one or more utility services for, or for the benefit of, any such governmental user that is a party to such utility services agreement. Any such utility services agreement may provide for the purchase by the governmental user thereunder of all or any part of the capacity, capability or output of the facilities used to provide the applicable utility services. Since the receipt of utility services by a governmental user pursuant to a utility services agreement affords such governmental user the benefits of such utility services without the burdens of ownership and operation of the facilities for the provision of such utility services, and since the payments by such governmental user under such utility services agreement will constitute, in whole or in part, the source of repayment for any financing of the facilities for the provision of such utility services, any utility services agreement may provide (i) that the governmental user thereunder shall be obligated to make the payments required of it by such utility services agreement whether or not the applicable facilities are completed,

operable or operating and notwithstanding the suspension, interruption, interference, reduction or curtailment of the capacity, capability or output, as in the case may be applicable, of such facilities or the utility services contracted for, the nonperformance or nondelivery of the utility services contracted for, or the inability, for any reason, of the governmental user to receive or partake of the utility services so contracted for, and (ii) that the payments by the governmental user under such utility services agreement shall not be subject to any reduction, whether by offset or otherwise, and shall not be conditioned upon the performance or nonperformance by the provider or providers under such utility services agreement. Any utility services agreement pursuant to which utility services are to be provided to more than one governmental user may also provide that if one or more of such governmental users shall default in the payment of its or their obligations thereunder, then in such event the other governmental user or users that are parties to such utility services agreement shall be required to accept and pay for, and shall be entitled proportionately to and may use or otherwise dispose of, the utility services (or the capacity, capability or output thereof) which was to be received by the defaulting governmental user. Any utility services agreement may provide that the obligation of any governmental user to make payments thereunder in respect of utility services shall be as absolute and unconditional as the obligation of such governmental user to repay money that it borrowed directly on its own credit for the purpose of financing the acquisition of facilities that would be used to provide utility services equivalent to those proposed to be provided pursuant to such utility services agreement. Any utility services agreement may extend for a period not exceeding 40 years from the date that such utility services agreement is entered into.

(b) It is hereby recognized that this act confers upon any governmental user the right to incur payment obligations under a utility services agreement that may constitute debt within the meaning of constitutional limitations and other applicable laws of the state, but, that fact notwithstanding, nothing contained in this act shall be construed

(i) to cause any such debt to lose any exemption from any constitutional debt limit to which, absent any claimed effect of any provision of this act, it would be entitled by virtue of the fact that it was incurred for the purpose of providing waterworks, sewers or sewerage, or

(ii) to prevent any governmental user from entering into a utility services agreement which provides that payments thereunder due in any fiscal year shall be payable only out of the revenues received by such governmental user during such fiscal year.

(c) In the event of any failure or refusal on the part of any governmental user to perform punctually any covenant or obligation contained in any utility services agreement, the provider under such utility services agreement shall have the right (i) to recover damages from such governmental user through an action at law or (ii) to enforce performance by such governmental user of such covenant or obligation through any legal or equitable process, including mandamus or specific performance.

Section 17. Prior Approval of Utility Services Agreements and Related Agreements with Governmental Users; Notice and Public Hearing. (a) No utility services agreement or related agreements in connection with the acquisition, construction, equipment or operation of any facilities may be entered into by any governmental user pursuant to the provisions of this act unless the entering into of such utility services agreement and related agree-

ments by such governmental user is approved by resolution adopted by the governing body of such governmental user in accordance with the provisions of this act; and any utility services agreement or related agreements entered into without prior compliance with the provisions of this section shall be void; provided, however, that no public hearing pursuant to the provisions of this section shall be required in connection with the entering into of any utility services agreement by Tannehill Furnace and Foundry Commission.

(b) No approval of any utility services agreement or related agreements by the governing body of any governmental user shall be effective for purposes of this act unless such approval is obtained in compliance with the provisions of this section. Prior to entering into any utility services agreement or related agreements, the governing body of any governmental user shall designate a place, date and time at which such governing body shall meet to consider all views expressed by the general public, whether in support or opposition, with respect to such utility services agreement, the utility services to be provided thereunder or any related agreements for the acquisition, construction, equipment or operation of facilities for provision of such utility services. The date of such meeting to hear the views of the general public shall be not less than three weeks after the date on which notice thereof is first published as hereinafter provided. Notice of such meeting shall be published once a week for three consecutive weeks in some newspaper published within the territorial boundaries of such governmental user in the event that the governmental user is a county or municipality, or within the territorial limits of the pertinent determining subdivision or subdivisions in the event that the governmental user is an instrumentality; provided, however, that if no newspaper is at the time being published within the territorial boundaries of such governmental user, or such determining subdivision or subdivisions, as in the case may be applicable, such notice shall be published in a newspaper which the governing body of such governmental user determines to have general circulation within the territorial boundaries of such governmental user or such determining subdivision or subdivisions, as in the case may be applicable; provided further that if no newspaper is at the time being published within the territorial boundaries of such governmental user or such determining subdivision or subdivisions, as in the case may be applicable, then such notice may be published by posting for three weeks in three public places within such territorial boundaries. Such notice shall be deemed to comply with the requirements of this act if it contains (i) a statement of the intention of the governing body of such governmental user to meet at the designated place, date and time for the purpose of hearing and considering the views of the general public with respect to the approval by such governing body of the entering into of the utility services agreement and related agreements in question, (ii) a brief description of such utility services agreement and related agreements and (iii) the proposed street address of the facilities for the provision of the utility services in question or such other description of the proposed location thereof as will be intelligible to the general public.

At the meeting with respect to which such notice is published, the governing body of the governmental user shall hear and consider the views of all persons desiring to be heard and may thereafter at the same meeting adopt a resolution expressing its final approval or disapproval of the entering into such utility services agreement and related agreements. Instead of

taking final action with respect to such utility services agreement and related agreements at the first meeting held to hear the views of the general public, such governing body may defer such action to a subsequent meeting, and it may also continue to hear the views of the general public with respect to such utility services agreement and related agreements during one or more subsequent meetings until it takes such final action, but it may not take any final action with respect to the approval or disapproval of such utility services agreement and related agreements, or conduct other hearings with respect thereto, at any subsequent meeting unless (i) such subsequent meeting is a regular meeting of such governing body or a valid adjournment thereof and (ii) the preceding meeting at which such utility services agreement and related agreements were last considered, such subsequent meeting was publicly designated by such governing body as the place, date and time to which further consideration of such utility services agreement and related agreements was to be continued.

The decision of the governing body of any governmental user to grant or refuse any approval of the entering into of any utility services agreement or related agreements required by the provisions of this act shall be within the sole discretion of such governing body, and, except to the extent affected by fraud, bribery or other unlawful conduct, the reasonableness or fairness of such governing body in approving or refusing to approve the entering into of any such utility services agreement and related agreements shall not be the subject of any case, controversy or inquiry brought before any court of the state.

Section 18. Exemption from taxation, etc. (a) Every corporation shall exercise its powers in all respects for the benefit of the people of the state, for their well being and for the improvement of their health, welfare and social condition, and the exemptions from taxation hereinafter described are hereby granted in order to promote the more effective and economical exercise of such powers.

(b) No income, sales, use or other excise or license tax shall be levied upon or collected in the state with respect to any corporate activities of a corporation or any of its revenues, income or profit. No ad valorem tax or assessment for any public improvement shall be levied upon or collected in the state with respect to any property during any time that title to such property is held by a corporation, including, without limiting the generality of the foregoing, any time that such property is leased to a provider by a corporation pursuant to a lease which provides that title to such property shall automatically pass to such provider upon expiration of the lease term or which gives such provider the right to purchase such property from such authority for a nominal consideration and any time that title to such property is retained by a corporation pursuant to a contract of sale with a provider which provides that title to such property shall not pass to such provider until the purchase price thereof has been paid in full; provided that any corporation may require any provider to pay to such corporation or to any county, municipality or the state payments in lieu of any such ad valorem taxes that would be payable with respect to such property but for the application of the provisions of this section.

(c) No privilege or license taxes payable in respect of the recording or filing for record of any mortgage, deed or other instrument, including, without limitation, the privilege taxes now imposed by chapter 22 of Title 40, shall be levied, charged or collected in connection with the recording or filing for record of any mortgage, deed or other instrument evidencing a conveyance to or the creation of any property interest in a corporation, any

agreement or instrument to which a corporation is a party, and any mortgage, deed or other instrument evidencing a conveyance from a corporation to another party or the creation by a corporation of any property interest in another party.

(d) If, pursuant to any contractual agreement between a corporation and a provider, any facility has been or is to be acquired by such corporation and leased or sold to such provider or has been or is to be financed by a loan from such corporation, then in such case the gross proceeds of the sale of any property used in the construction and equipment of such facility, regardless of whether such sale is to such corporation, such provider or any contractor or agent of either thereof, shall be exempt from the sales tax imposed by article 1 of chapter 23 of Title 40 and from all other sales and similar excise taxes now or hereafter levied on or with respect to the gross proceeds of any such sale by the state or any county, municipality or other political subdivision or instrumentality of any thereof. Further, if, pursuant to any contractual arrangement between a corporation and a provider, any facility has been or is to be acquired by such corporation and leased or sold to such provider or has been or is to be financed by a loan from such corporation, then in such case any property used in the construction and equipment of such facility, regardless of whether such property has been purchased by such corporation, such provider or any contractor or agent of either thereof, shall be exempt from the use tax imposed by article 2 of chapter 23 of Title 40 and all other use and similar excise taxes now or hereafter levied on or with respect to any such property by the state or any county, municipality or other political subdivision or instrumentality of any thereof.

(e) All bonds issued by any corporation, their transfer and the income therefrom, including the interest income thereon and any profits made on the sale thereof, shall at all times be free from taxation by the state or any county, municipality or other political subdivision or instrumentality of the state, excepting inheritance, estate and gift taxes.

Section 19. Exemption from usury and interest laws. Any corporation and all contracts made by it shall be exempt from the laws of the state of Alabama governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of Chapter 8 of Title 8. Further, any payment payable directly or indirectly by any provider pursuant to any lease, installment sale contract, loan agreement or other contract to which a corporation is a party, any payment pursuant to any utility service agreement or any payment pursuant to any other obligation constituting the source of payment for any obligation of a corporation which, in any such case under the laws of the state in effect at the time, constitutes interest, or a payment in the nature of interest, shall be exempt from all such laws of the state governing usury or prescribing or limiting interest rates.

Section 20. Exemption from competitive bid laws. Any corporation and all contracts made by it shall be exempt from the laws of the state requiring competitive bids for any contract to be entered into by counties, municipalities, public corporations or other instrumentalities authorized by them, including, but without limitation to, the provisions of article 3 of chapter 16 of Title 41. Further, all contracts, whether or not involving any corporation as a party thereto, which relate to the design, construction, acquisition, financing or operation of any facilities that are financed, in whole or in part, by any corporation pursuant to the provisions of this act (including, without limitation, utility services agreements and contracts for the design, construction and equipment of such facilities) shall be exempt from (i)

such laws requiring competitive bids for any contract to be entered into by counties, municipalities, public corporations or other instrumentalities authorized by them, including, but without limitation to, the provisions of article 3 of chapter 16 of Title 41, and (ii) the laws of the state limiting the duration of any contracts for the purchase of personal property or contractual services by counties, municipalities, public corporations or other instrumentalities authorized by them, including, without limitation to, the provisions of article 3 of chapter 16 of Title 41.

Section 21. Disposition of net earnings of corporation. Every corporation shall be a nonprofit public corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any private person, except that in the event a board shall determine that sufficient provision has been made for the full payment of the expenses, bonds and other obligations of a corporation, then any net earnings of a corporation thereafter accruing shall be paid to its determining subdivision.

Section 22. Bonds of corporation as legal investments. The bonds of any corporation shall be legal investments in which the state and its agencies and instrumentalities, all counties, municipalities and other political subdivisions of the state and public corporations organized under the laws thereof, all insurance companies and associations and other persons carrying on an insurance business, all banks, savings banks, savings and loan associations, trust companies, credit unions and investment companies of any kind, all administrators, guardians, executors, trustees and other fiduciaries, and all other persons whatsoever are now or may hereafter be authorized to invest in bonds or other obligations of the state, may properly and legally invest funds in their control or belonging to them.

Section 23. Dissolution of corporation; vesting of title to corporation's property in determining subdivision. At any time when any corporation has no bonds or other obligations outstanding and when there shall be no other obligations assumed by such corporation that are then outstanding, the board of such corporation may adopt a resolution, which shall be duly entered upon its minutes, declaring that the corporation shall be dissolved. Upon filing for record of a certified copy of the said resolution in the office of the judge of probate with which the corporation's certificate of incorporation was filed, the corporation shall thereupon stand dissolved and, in the event it owned any assets or property at the time of its dissolution, the title to all such assets or property shall thereupon vest in the determining subdivision.

Section 24. Incorporation of another corporation by same determining subdivision. The formation or dissolution of one or more corporations incorporated under the provisions of this act shall not prevent the subsequent incorporation hereunder of other corporations pursuant to authorization by the same determining subdivision.

Section 25. Notice of bond resolution; contest to validity of bonds, etc.
(a) Upon the adoption by the board of any corporation of any resolution providing for the issuance of bonds, such corporation may, in the discretion of its board, cause a notice respecting the issuance of such bonds to be published once a week for two consecutive weeks in each county in which shall be located any facility financed or in any way assisted by the issuance of such bonds, such publication in each such county to be in a newspaper having general circulation therein. Such notice shall be in substantially the following form (the blanks being properly filled in), at the end of which shall be printed the name and title of either the chairman or secretary of such

corporation: “_____, a public corporation and instrumentality of the state of Alabama, on the ____ day of _____, authorized the issuance of \$_____ principal amount of bonds (or notes or other obligations, as the case may be) of the said public corporation for purposes authorized in the act of the legislature of Alabama under which the said public corporation was organized. Any action or proceeding questioning or contesting the validity of the said bonds (or notes or other obligations), or the instruments securing the same, or the proceedings authorizing the same, must be commenced on or before _____ (here insert date determined in accordance with the provisions of subsection (b) of this section).”

(b) The date stated in such notice as the date on or before which any action or proceeding questioning or contesting the validity of the bonds referred to therein must be commenced shall be a date at least 30 days after the date on which occurs the last publication of such notice necessary for it to have been published at least once in all counties in which it is required to be published. Any action or proceeding in any court to set aside or question the proceedings for the issuance of the bonds referred to in such notice or to contest the validity of any such bonds, or the validity of any instruments securing the same, must be commenced on or before the date determined in accordance with the preceding sentence and stated in such notice as the date on or before which any such action or proceeding must be commenced. After such date no right of action or defense shall be asserted questioning or contesting the validity of such bonds, or the instruments securing the same, or the proceedings authorizing the same, nor shall the validity of such bonds or such instruments or proceedings be open to question in any court on any ground whatsoever, except in an action or proceeding commenced on or before such date.

Section 26. Provisions are cumulative. The provisions of this act are cumulative and shall not be deemed to repeal existing laws, except to the extent such laws are clearly inconsistent with provisions of this act.

Section 27. Liberal construction. This act shall be construed liberally to effect its purposes and neither this act nor anything herein contained is or shall be construed as a restriction or limitation upon any powers which any corporation might otherwise have under any laws of the state, and the provisions of this act are cumulative to any such powers.

This act does and shall be construed to provide a complete, additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to other laws. However, the issuance of bonds of any corporation under the provisions of this act need not comply with the requirements of any other law of the state generally applicable to the issuance of bonds, notes and other obligations by other public corporations organized under the laws of the state.

Section 28. Severability. In the event any section, sentence, clause or portion of this act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this act, which shall continue effective.

Section 29. Effective date of act. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Butler, Albright, Hettinger, Grayson, Hall, and Brooks:

H. J. R. 244. COMMENDING MR. AND MRS. GEORGE HARRIS AND THE HARRIS HOME ON THE 30TH ANNIVERSARY OF THE INSTITUTION'S ESTABLISHMENT.

Also:

By Reps. Nicholson and Brakefield:

H. J. R. 245. MOURNING THE DEATH OF JUDGE ROY MAYHALL OF JASPER, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 244 and 245, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Marietta:

H. J. R. 233. COMMENDING MR. AND MRS. CHRISTOPHER McARDLE OF THEODORE, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

By Reps. Rogers, Davis, Horn, Perdue, Bachus, Boles, Trammell, Beers, Gray, Spratt, Seibels, McDowell, White (G), and Pratt:

H. J. R. 235. COMMENDING UAB BLAZER, ANTHONY GORDON.

Also:

By Reps. Rogers, Davis, Horn, Perdue, Bachus, Boles, Trammell, Beers, McDowell, Seibels, Pratt, White (G), Gray, and Spratt:

H. J. R. 234. COMMENDING THE UAB BLAZER, STEVE MITCHELL.

Also:

By Reps. Rogers, Horn, Perdue, Pratt, Bachus, White (G), Beers, Seibels, Payne, Davis, Trammell, Boles, Gray, Spratt, and McNair:

H. J. R. 236. COMMENDING UAB BLAZER, McKINLEY SINGLETON.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 233, 235, 234, and 236, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Cosby:

H. J. R. 243. INVITING "JULIA TUTWILER," AS PORTRAYED BY MRS. KATHRYN TUCKER WINDHAM, TO PERFORM FOR A JOINT SESSION OF THE ALABAMA LEGISLATURE.

WHEREAS, the late Julia Strudwick Tutwiler, an Alabamian of great historical prominence, was the forerunner of today's involved women whose impact is felt in areas pioneered by Miss Tutwiler as long ago as 1880, during an era of Alabama's statehood in which politics were for men only; and

WHEREAS, an ardent advocate of educational opportunities for women, Miss Tutwiler also was an early champion for prison reform, whose crusade in cause fostered the movement for separate prisons for men and women and for reformatories for youthful offenders; and

WHEREAS, she further was a teacher and later president of Alabama Normal College at Livingston, established Alabama's first kindergarten and was the author of the words of our State song, "Alabama"; and

WHEREAS, though her name appears frequently in State annals, Miss Tutwiler's name also is emblazoned on the only major prison facility for women in the State of Alabama, thus commemorating the life of a great lady whose major legacy was to the women of our State; and

WHEREAS, for the benefit of the Julia Tutwiler State Prison For Women, and specifically for the construction of a prison chapel, another famous Alabama lady, Mrs. Kathryn Tucker Windham of Selma, has written a one-act play in which she performs the role of "Julia Tutwiler"; all proceeds from the benefit performance on May 10, 1984, at Montgomery's Huntingdon College will be allocated to the Tutwiler Chapel Fund; and

WHEREAS, it is the desire of the Legislature that in nostalgia, "Julia Tutwiler" should once again visit our Capitol where she lobbied so many years ago, a "gentle" lady who battled alone in the political arena of the 1880's; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein extend an invitation for "Miss Julia Tutwiler," as portrayed by Mrs. Kathryn Windham, to ap-

pear before a Joint Session of the Alabama Legislature, at a date and time to be set, and at Mrs. Windham's convenience.

BE IT FURTHER RESOLVED, That in invitation, the Clerk of the House shall forward a copy of this resolution to Mrs. Windham.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 243, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Fuller:

H. J. R. 237. DESIGNATING MAY 5, 1984, AS "RAZZY BAILEY DAY" IN ALABAMA.

WHEREAS, Razzy Bailey, a native of Chambers County, Alabama, and a graduate of LaFayette High School is a nationally and internationally acclaimed recording artist; and

WHEREAS, Razzy Bailey's outstanding musical career began with performances and appearances with the Future Farmers of America; and

WHEREAS, as a native son of our state, Razzy Bailey is an inspiration to young people and aspiring young musicians throughout Alabama; and

WHEREAS, in coincidence with a visit to his home state and in gratitude for the fame and honor he has brought to Chambers County and Alabama, it is entirely fitting that Razzy Bailey be appropriately honored by his fellow citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate May 5, 1984, as "Razzy Bailey Day" in Alabama and direct that Mr. Bailey receive a copy of this resolution as a memento of this honorary designation of the Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 237, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Blake, Adams, Albright, Bachus, Beers, Biddle, Black, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell,

Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 248. WISHING REPRESENTATIVE GEORGE GRIMSLEY A SPEEDY RECOVERY.

Also:

By Reps. Crow, Browder, Blake, Drake, Adams, Albright, Bachus, Beers, Biddle, Black, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Davis, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 249. WISHING MR. JAMES J. CAMPBELL A SPEEDY RECOVERY.

Also:

By Rep. White (L):

H. J. R. 250. COMMENDING AND CONGRATULATING THE DADEVILLE, ALABAMA, KIWANIS CLUB ON THE OCCASION OF ITS 50TH ANNIVERSARY.

Also:

By Reps. Rice and Turnham:

H. J. R. 251. MOURNING THE DEATH OF MR. ISAAC JUDSON SCOTT OF OPELIKA, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 248, 249, 250, and 251, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 458. To create the Motor Fuel Marketing Act in order to protect Alabama's consumers against major oil company monopolies; to encourage fair and honest competition and to safeguard the public against unfair practices involving the sale of motor fuel in wholesale and retail trades; to provide for enforcement of the Act and penalties for violations; and for related purposes as well as to make certain declarations.

CHARLES BISHOP,
Chairperson.

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 87. To provide for the enactment of the Alabama Uniform Parentage Act, creating a civil cause of action in the courts of this state for the determination of paternity for the purposes of support and other reasons; to provide for the definition of the parent and child relationship and methods for the establishment of said relationship; to provide for a presumption of paternity; to provide for the jurisdiction of actions to determine paternity and support under this Act in those courts exercising jurisdiction over juvenile proceedings; to provide for the venue and service of process in said proceedings; to provide for the determination of the existence or non-existence of the father and child relationship and when and by whom these actions may be brought; to specifically provide that applicable sections of the Criminal Code shall remain available for the enforcement of a child's right to support; to provide for court-ordered blood tests, the selection of expert witnesses and evidence relating to paternity and the admissibility of such evidence; to provide for court orders determining paternity and the payment of support and the enforcement of such orders by the mother, the child or public authorities furnishing expenses and support; to provide that written agreements for support shall be enforceable by the courts; to provide that any party may be represented by an attorney and that the district attorney, special prosecutor and other attorney authorized to represent the State of Alabama shall prosecute all proceedings under this Act; to provide a statute of limitations for paternity actions under this act; to provide that any interested party may also bring an action to determine the existence or non-existence of the mother and child relationship; to provide for the issuance of a new birth certificate upon a determination of paternity; to further provide for the appeal of judgments rendered pursuant to this Act to the circuit court for a trial de novo and by a jury, if demanded; to provide for the treatment of the husband of a woman who has been the subject of artificial insemination with his consent, as the natural father of a child born

thereof; and to specifically repeal Sections 26-12-1 through 26-12-9, Code of Alabama 1975.

CHARLES BISHOP,
Chairperson.

FURTHER CONSIDERATION OF S. B. 426

The Senate proceeded to further consideration of the Bill, S. B. 426. The question was on the substitute offered by Senator Little.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bill delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 202.

Delivered to the Governor April 12, 1984, at 10:35 A.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 7 o'clock P.M., on motion of Senator Foshee, in accordance with motion heretofore adopted, and pending further consideration of the Bills, S. B.'s 426 and 113, the Senate adjourned until Tuesday, April 17, 1984, at 2 o'clock P.M.

NINETEENTH LEGISLATIVE DAY**TUESDAY, APRIL 17, 1984**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by the Reverend Calvin Kelly, Associate Minister, Ridgecrest Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Kevin Green, Billingsley High School, Billingsley, Alabama.

ROLL CALL

Present:

Senators:	Corbett	Foshee	Mitchem
Aldridge	Covington	Goodwin	Parsons
Amari	deGraffenried	Hand	Pearson
Bailey	Denton	Hilliard	Sanders
Barron	Dial	Holmes	Smith (B)
Bedsole	Dixon	Langford	Smith (J)
Bennett	Drinkard	Little	Strong
Bishop	Ellis	Menton	Teague
Cooley	Figures		

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JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Eighteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Eighteenth Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator deGraffenried, leave of absence was granted Senators Bedford and Cabaniss for today.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Little (With Notice and Proof):

S. 566. Relating to Lee County: providing certain annual salaries for the probate judge, sheriff, tax assessor, and tax collector.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 566, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Mitchem:

S. 567. To amend Section 40-18-35.1(5), Code of Alabama 1975 by making permanent the deduction for corporate net operating losses.

Committee on Finance and Taxation.

By Senator deGraffenried:

S. 568. To amend Section 70 of the Alabama Business Corporation Act (Acts 1980, No. 80-633), now § 10-2A-111, Code of Alabama 1975, relating to procedure to amend articles of incorporation of Alabama business corporations.

Committee on Judiciary.

By Senator Langford:

S. 569. To establish certain rights of employees and boards of control in public schools, to prohibit practices which are inimical to the welfare of such public schools, and to provide for the orderly and peaceful resolution of disputes concerning terms and conditions of service and other matters of mutual concern.

Committee on Governmental Affairs.

By Senator Holmes (With Notice and Proof):

S. 570. Relating to Calhoun County; to extricate certain public officers in said county from the provisions of Section 6-8-40 of the Code of Alabama 1975 which require such officers and officials to subscribe for, take and file certain weekly newspapers.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 570, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Sanders (With Notice and Proof):

S. 571. Relating to Perry County; dividing the county into certain districts for purposes of electing members of the county board of education; providing for the election of such board members by the qualified electors

of the respective districts; providing for certain residency requirements for such board members and prescribing the compensation of such members.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 571, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Sanders (With Notice and Proof):

S. 572. Relating to the city of Marion, Alabama, a municipal corporation in Perry County; to provide that the city shall be divided into districts to be known as wards and to provide for the election of the members of the city council to be by wards and requiring that each member be elected by the qualified electors residing only within his/her ward.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 572, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Sanders (With Notice and Proof):

S. 573. Relating to Perry County; divesting the chairmanship of the county commission from the judge of probate; providing for the division of Perry County into five election districts for purposes of electing the county commission; providing for the election of five commissioners by the qualified electors of such districts; providing for the residency requirements and qualifications of the commissioners; providing for the election of the chairperson of the county commission and prescribing the compensation, duties and powers of the commission.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 573, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Sanders (With Notice and Proof):

S. 574. To alter, rearrange, and extend the boundaries and corporate limits of the municipality of Marion in Perry County.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 574, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Ellis (With Notice and Proof):

S. 575. To amend Section 1 of Act No. 83-714, H. 916, of the 1983 Regular Session of the Legislature (Acts 1983, p. 1160), relating to licensing

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of retailers of alcoholic beverages in Shelby County, Alabama, so as to provide further for such licensing.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 575, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Ellis (With Notice and Proof):

S. 576. To amend Act No. 39, H. 67, Second Special Session, 1971 (Acts 1971, p. 4173) to permit the application of chemical substances by aircraft in Shelby County under certain conditions.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 576, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Ellis (With Notice and Proof):

S. 577. To authorize the Shelby County Commission to adopt, amend and provide for the enforcement of certain building codes which shall apply in certain areas in said county; to prescribe the manner of adopting such codes; to authorize said commission to enforce such codes; to authorize the prescription and collection of certain fees necessary to effect the enforcement of such codes and to prescribe penalties for violation of such codes.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 577, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Bedsole (With Notice and Proof):

S. 578. Relating to Mobile County; exempting all real and personal property owned and used by the Mobile Area Chamber of Commerce Foundation, Incorporated, from county ad valorem taxation.

Committee on Local Legislation No. 3.

I hereby certify that the notice and proof is attached to the Bill, S. B. 578, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Smith (J):

S. 579. To make it unlawful to sell, lease or loan a motor vehicle to a person who does not lawfully possess a valid driver's license; to prescribe penalty for violation and to provide for a defense to such unlawful act.

Committee on Judiciary.

By Senator Smith (J):

S. 580. To provide that issuance of license tags and plates for motor vehicles shall be contingent upon certain proof of valid drivers' licenses for persons that shall be operating such vehicles.

Committee on Commerce,
Transportation, and Utilities.

By Senators Corbett and Hand:

S. 581. To amend Sections 34-11-2, 34-11-4, 34-11-5, 34-11-6, 34-11-7, 34-11-8, 34-11-9, 34-11-11, 34-11-12, 34-11-13, 34-11-15, 34-11-32, and 34-11-35 of the Code of Alabama 1975, which relate to the regulation and registration of professional engineers and land surveyors, so as to regulate further such registration and the fees therefor; to provide for the issuance of certificates of authorization to certain corporations, partnerships or firms practicing engineering or land surveying; and to regulate further the compensation of members of the board of registration for professional engineers and land surveyors, and to provide for corporate practice.

Committee on Small Business.

By Senator Parsons:

S. 582. To amend Section 11-43-2, Code of Alabama 1975, relating to the election of certain mayors and aldermen, and Section 11-43-80, Code of Alabama 1975, relating to the powers and duties of the mayor, so as to provide that the six-month time requirement may be waived to meet compliance with the Federal Voting Rights Act of 1965.

Committee on Governmental Affairs.

By Senators Bedsole, Figures, and Hand:

S. 583. To amend Section 40-20-8, Code of Alabama 1975, relating to the distribution of oil and gas severance tax proceeds, so as to alter the distribution of proceeds derived from offshore production.

Committee on Finance and Taxation.

By Senator Barron (With Notice and Proof):

S. 584. Relating to county health officers or administrators in Jackson County; authorizing such persons to issue official death certificates, and providing penalties for violation of this act.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 584, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

RESOLUTIONS

Senators Parsons, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Little, Menton, Mitchem, Pearson, Sanders, Smith (B), Smith (J), Strong and Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 165. HONORING POSTHUMOUSLY ALABAMIANS

RILEY W. SHAMBURGER, WADE GRAY, THOMAS W. RAY AND LEO BAKER.

WHEREAS, April 17, 1984, marks the 23rd anniversary of the invasion of Cuba's Bay of Pigs, a courageous action in the cause of freedom and an attempt to overthrow the communist regime of Premier Fidel Castro; and

WHEREAS, Cuban exiles, who were trained, armed and directed by the United States in their liberation efforts, were joined by a number of courageous American volunteers, including some sixteen Alabama patriots; and

WHEREAS, regrettably, among the casualties of this combat mission were Major Riley W. Shamburger, Mr. Wade Gray, Lieutenant Thomas W. Ray and Mr. Leo Baker, four Alabama civilians who bravely gave their lives in the name of liberty; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor and gratitude, and in recognition of their outstanding courage, we today pay tribute to Major Riley W. Shamburger, Mr. Wade Gray, Lieutenant Thomas W. Ray and Mr. Leo Baker.

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the families of these four distinguished Alabamians that they may know the qualities of courage and patriotism live forever in memory and in honor.

On motion of Senator Parsons, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Little, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Hilliard, Holmes, Langford, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong and Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 166. CONGRATULATING DR. JAMES E. MARTIN, PRESIDENT, AUBURN UNIVERSITY.

WHEREAS, Dr. James E. Martin has been serving as President of Auburn University since February 15, 1984; and

WHEREAS, he came back to his native state after many years filled with academic accomplishments at several institutions including serving as President of the University of Arkansas System; and

WHEREAS, Dr. Martin has traveled throughout the state meeting with alumni and friends of the University, talking about the value of higher education as well as the future of Auburn University; and

WHEREAS, this man will help provide the kind of leadership which is necessary for our state to reach its potential in economic development and progress; and

WHEREAS, Dr. Martin will be formally inaugurated as the fourteenth President of Auburn University on April 27, 1984; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Dr. Martin

and wish him many years of productivity and happiness at Auburn University and in the State of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Dr. Martin and his family that they will know the Legislature's high regard for him.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 167. CONGRATULATING MR. P. W. SUH AS THE NEW PRESIDENT OF GOLD STAR OF AMERICA.

Also:

S. R. 168. COMMENDING MR. HIKMAT R. ANTONIOS OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND COMMUNITY INVOLVEMENT.

Which were adopted.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills respectively, and finds same correctly engrossed, to-wit:

S. 21. To create, within the Alabama Development Office, an Alabama Small Business Office of Advocacy to serve as the principal advocate in the state on behalf of small businesses, including advisory participation in the consideration of legislation and administrative regulations affecting small businesses; to specify the functions and duties of the office; and to require the office to submit an annual report to the Governor and the legislature describing the activities and recommendations of the office.

Also:

S. 317. To amend Sections 16-23-18 and 16-23-21 of the Code of Alabama 1975, relating to teacher training and certification, so as to provide further for the emergency secondary education scholarship fund and for regulations and certain penalties relating to recipients of such scholarships.

Also:

S. 428. To authorize fiduciaries to invest in and hold, in addition to any other investments authorized by law, interests in any common trust fund or collective investment fund maintained by any financial institution having trust powers or in securities of or other interests in any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, provided that the portfolio of such fund, company or trust is limited to the classes of trust investments allowed by law.

CHARLES BISHOP,
Chairperson.

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Dinsimore C. Robinson to Alabama A & M Board of Trustees.

On motion of Senator Denton, the appointment of Mr. Robinson was confirmed by the Senate.

Yeas 19; Nays 0.

Yeas:

Senators:	Bishop	Denton	Little	
Amari	Cooley	Dial	Pearson	
Bailey	Corbett	Goodwin	Smith (B)	
Bedsole	Covington	Hand	Smith (J)	
Bennett	deGraffenried	Holmes	Teague	—19

Nays: —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Larry Keener to Alabama State University Board of Trustees.

On motion of Senator Denton, the appointment of Mr. Keener was confirmed by the Senate.

Yeas 25; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Mitchem	
Aldridge	Covington	Hand	Parsons	
Amari	deGraffenried	Holmes	Smith (B)	
Bedsole	Denton	Langford	Smith (J)	
Bennett	Dial	Little	Strong	
Bishop	Dixon	Menton	Teague	
Cooley	Drinkard			—25

Nays: —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Thomas E. Fuller to the Alabama A & M University Board of Trustees.

On motion of Senator Strong, the appointment of Mr. Fuller was confirmed by the Senate.

Yeas 20; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Parsons
Aldridge	deGraffenried	Hand	Smith (B)
Amari	Denton	Langford	Smith (J)
Bedsole	Dixon	Little	Strong
Bishop	Foshee	Mitchem	Teague
Corbett			

—20

Nays:

—0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Ross Dunn to the Alabama State University Board of Trustees.

On motion of Senator Corbett, the appointment of Mr. Dunn was confirmed by the Senate.

Yeas 20; Nays 0.

Yeas:

Senators:	Denton	Hand	Sanders
Aldridge	Dixon	Langford	Smith (B)
Bedsole	Drinkard	Little	Smith (J)
Bennett	Figures	Mitchem	Strong
Corbett	Goodwin	Parsons	Teague
deGraffenried			

—20

Nays:

—0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Robert Hughes to the Alabama A & M University Board of Trustees.

On motion of Senator Denton, the appointment of Mr. Hughes was confirmed by the Senate.

Yeas 22; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Little
Aldridge	Covington	Foshee	Smith (B)
Amari	deGraffenried	Goodwin	Smith (J)
Bailey	Denton	Hand	Strong
Bedsole	Dixon	Holmes	Teague
Bennett	Drinkard	Langford	

—22

Nays:

—0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Governor's Appointment and ordered same returned to the Senate with a favorable report, to-wit:

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Appointment of Mr. Richard Arrington, Jr. to the Alabama State University Board of Trustees.

On motion of Senator Hilliard, the appointment of Mr. Arrington was confirmed by the Senate.

Yeas 25; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Mitchem
Aldridge	deGraffenried	Hand	Parsons
Amari	Denton	Hilliard	Smith (B)
Bailey	Dial	Langford	Smith (J)
Bedsole	Dixon	Little	Strong
Bennett	Drinkard	Menton	Teague
Corbett	Foshee		

—25

Nays: —0

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 211. COMMENDING THE ELBA HIGH SCHOOL
"MARCHING TIGER" BAND.

Also:

H. J. R. 210. COMMENDING THE ENTERPRISE HIGH
SCHOOL "WILDCAT" BAND.

On motion of Senator Denton, the Resolutions were then concurred in and adopted by the Senate.

REPORTS FROM COMMITTEES

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Reps. Browder, Drake, Brakefield, Turnham, Grouby, Crow, Smith, Butler, Campbell, Martin, Richardson, Flowers, Preuitt, White (G), Beers, Bachus, Bowling, Blake, Kennedy, Davis, Mathis, Tanner, Parker, Junkins, Holley, Clark (D), Mitchell, Newman, Nicholson, Clark (J), Ford, Coleman, Bugg, Johnson (R.G.), Lauderdale, Biddle, Trammell, Johnson (Roy), Lindsey, Clark (W), Zoghby, Bryant, White (L), Blakeney, Poole, Starkey, Goodwin, Hettinger, Albright, Harvey, McDowell, Pratt, Spratt, Gray, Carothers, Perdue, Burke, Thomas, Melton, Grimsley, Warren, and Onderdonk (With Substitute)(With Amendments):

H. 670. Relating to educational reform; providing for a comprehensive plan for improving instruction in science, mathematics, computer education and other designated critical areas; providing for a scholarship loan program to attract able students into the teaching profession in subjects of mathematics, science, computer education and other critical areas; providing a program for certified teachers to add to their certificate mathematics, science, computer education and other critical areas; providing a program

whereby provisionally certified persons with extensive preparation in mathematics, science and computer education may serve as an emergency source of teachers; providing rigorous in-service training for public school personnel; amending Sections 16-23-18, 16-23-20, 16-23-21 and 16-23-23, Code of Alabama 1975, and repealing Section 16-23-19, Code of Alabama 1975, all relating to emergency secondary education scholarships, so as to transfer authority for the administration of the scholarships from the state board of education to the Alabama commission on higher education; creating and providing for the governor's educational reform commission; and providing for appropriations to carry out the provisions of this act.

Senator Parsons, Chairperson of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Smith, Johnson (Roy), Holley, Poole, and Mitchell:

H. 141. To amend Section 16-1-18, Code of Alabama 1975, relating to school bus drivers and certain full-time support personnel employed by the boards of control of city and county school systems and the Alabama Institute for Deaf and Blind, so as to provide further for the maximum accumulated days not utilized or being paid for sick leave.

By Senator Dial:

S. 474. To provide that only the chancellor of the postsecondary education department need authorize and approve out-of-state travel authorization for employees and appointees under the jurisdiction of such department.

By Reps. Holley and Johnson (Roy):

H. 456. This bill amends Section 34-30-22, Code of Alabama 1975, which provides for the qualifications of applicants for licensed social workers, so as to provide further for said qualifications.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Mathis, Carothers, Grimsley, and Rains:

H. 50. To amend Section 26-10-5, Code of Alabama 1975, relating to adoption procedures and rights of natural and adopting parents, so as to provide further for certain rights of natural grandparents of the minor child.

By Rep. Warren:

H. 444. To amend Section 9-13-11, Code of Alabama 1975, which relates to the willful and malicious burning of woodlands, so as to provide further for the definition of paraphernalia used in arson.

By Senator deGraffenried:

S. 516. To amend Sections 15-12-20, 15-12-21, 15-12-22 and 15-12-24 of the Code of Alabama 1975, relating to defense of indigents, so as to provide further for representation of indigents; and to provide further for the compensation of counsel and reimbursement for expenses incurred; to authorize the state comptroller to withdraw certain amounts from the fair trial tax fund to cover the expenses of administering indigent defense; and to

amend Section 12-19-252 of the Code of Alabama 1975, so as to further provide for annual appropriations from the fair trial tax fund to pay the withdrawals of the state comptroller.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Reps. Marietta, Buskey (James), Kennedy, and Onderdonk (With Substitute):

H. 81. To amend Chapter 7 of Title 32 of the Code of Alabama 1975 commonly known as the Motor Vehicle Safety-Responsibility Act by amending Sections 32-7-5, 32-7-6 and 32-7-23 thereof so as to increase the amount of property damage which must be sustained to require an accident report to be filed and to increase the security required for an automobile or a motor vehicle liability policy while prohibiting duplication and the stacking of such under the uninsured and underinsured motorist coverage and make available underinsured motorist coverage under the Motor Vehicle Safety-Responsibility Act.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Corbett:

S. 549. To amend section 32-5A-191, Code of Alabama 1975, relating to offenses and penalties for driving under the influence and suspension of drivers licenses, so as to provide that judges in DUI cases shall have discretionary authority to issue a restrictive drivers license for limited driving purposes to persons upon a first conviction of driving under the influence of alcohol or controlled substances.

Senator Bishop, Chairperson on the Standing Committee on Rules, reported that the following bill has been placed at the end of the Regular Order Calendar for today, to-wit:

By Senators Bedford, Foshee, Cooley, Corbett, Barron, Figures, Hilliard, Teague, Denton, Strong, and Hand:

S. 328. To amend Section 12-13-20, Code of Alabama, 1975, as amended, which relates to salaried probate judges' minimum compensation so as to further provide for such compensation.

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that the following bills have been placed on the Consent Calendar for today, to-wit:

By Senator Bailey (With Amendment):

S. 283. Relating to prescription drugs which are not controlled substances, to prohibit the sale of, giving away of, or furnishing of such drugs and prescribing penalties therefor.

By Senator Bailey:

S. 345. To amend Section 2-15-133 which requires licensed livestock dealers to be covered by a bond or bond equivalent in amounts equal to purchases of livestock but in no amount less than \$10,000; to require the

filing of verified financial statements; to require full payment of livestock not later than the close of the next business day; to exempt livestock dealers from the requirements of a bond or bond equivalent if they pay for livestock with United States currency, money orders or certified or cashier's checks at the time of purchase.

By Senator Ellis (With Amendment):

S. 184. To amend Section 12-14-5, Code of Alabama 1975, which Section relates to the bail of persons charged with violations of municipal ordinances and to amend Section 12-14-70, Code of Alabama 1975, as amended, which Section relates to appeals to the circuit court from judgments of municipal courts; to establish an effective date.

By Senators Bedford, Smith (J), Dial, Goodwin, Foshee, Barron, Little, Menton, Cooley, Hand, Bennett, Amari, Drinkard, Covington, Holmes, Strong, Ellis, and Cabaniss:

S. 264. To amend the definitions contained in § 13A-10-30 [in the criminal code article on escape and related crimes] to provide that the failure of an inmate to remain within the limits of his confinement extended pursuant to any work release, trustee, furlough, leave, or pass program or to return within the time prescribed pursuant to such program to the place of confinement is an escape from custody and punishable as such; to provide that the restraint or detention aspect of custody for purposes of escape can be either actual or constructive; to define escape; to specify the conduct to which this act applies; to repeal all conflicting laws or parts of laws insofar as they apply to conduct occurring after the effective date of this act; and to provide an effective date.

By Senators Bedford, Goodwin, Dial, Smith (J), Hilliard, Corbett, and Ellis:

S. 254. To amend Section 9-2-107, Code of Alabama 1975, relating to the State Park Revolving Fund, so as to provide that up to 2% of said fund may be encumbered each year for use in major repair and maintenance service of land, buildings, and permanent equipment fixed assets; and capital improvements or alteration to land, buildings, or permanent equipment.

By Senators Foshee, Goodwin, Teague, Strong, Dial, Covington, Bedsole, Menton, Denton, Cooley, Langford, Drinkard, Corbett, Aldridge, and Hand (With Substitute):

S. 185. To amend Sections 12-19-90, 7-9-403, 7-9-404, 7-9-405, 7-9-406, 7-9-407, 9-11-37, 9-11-47, 9-11-55, 9-11-56, 33-5-10, 33-5-17, 40-12-2, 40-12-15 and 40-12-22, Code of Alabama, 1975, as amended, which relate to the fees and charges for services rendered in the probate offices of this state, so as to provide further for the fees and charges for services rendered in such offices.

By Senators Cooley and Bennett:

S. 438. To amend Section 12-15-7 of the Code of Alabama 1975, relating to appointment of juvenile probation officers, so as to provide further for such appointments.

By Senators Amari and Bennett (With Amendment):

S. 145. To require city and county boards of education, the State Board of Education, the Department of Youth Services, the Alabama Institute for Deaf & Blind and the governing boards of Alabama's public senior universities to provide vehicle liability insurance to cover personal liabilities

of moving vehicle accidents for bus drivers or any employee required to transport pupils.

By Senators Amari and Bennett:

S. 399. Relating to exempt property and allowances under the Probate Code; to permit employers to pay to the surviving spouse or to a person with custody over surviving children any wages or salary due an employee who dies intestate, said sum being considered a part of other exempt property and allowances.

BILLS ON THIRD READING

The Bill:

S. 283. Relating to prescription drugs which are not controlled substances, to prohibit the sale of, giving away of, or furnishing of such drugs and prescribing penalties therefor.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 283, to-wit:

COMMITTEE AMENDMENT TO S. B. 283

Amend S. B. 283, on Page 1 and 2, by striking out Section 1 (b).

Which was adopted.

Yeas 15; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Little	
Amari	Denton	Hand	Menton	
Bailey	Dixon	Holmes	Parsons	
Bennett	Foshee	Langford	Smith (B)	—15

Nays: —0

Senator Bailey requested and received permission to offer the following amendment to the Bill, S. B. 283, as amended, to-wit:

AMENDMENT TO S. B. 283, AS AMENDED

Senate Bill 283 is hereby amended as follows:

1. At page 1, lines 9 through 10 in the Synopsis immediately following the word "sale" delete the following words: or giving away of or furnishing

2. At page 1, lines 18 through 19 in the Title, immediately following the word "of" delete the comma and the following words: giving away of, or furnishing of

3. At page 2, lines 6 through 7, immediately following the word "seller" delete the following words: or furnisher

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Bailey	Bennett	Denton
Amari	Bedsole	deGraffenried	Dial

Dixon	Hand	Little	Sanders	
Ellis	Holmes	Menton	Smith (J)	
Foshee	Langford	Mitchem	Strong	
Goodwin				—20

Nays: —0

And said Bill, S. B. 283, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 20; Nays 0.

Yeas:

Senators:	Corbett	Goodwin	Menton	
Amari	deGraffenried	Hand	Mitchem	
Bailey	Denton	Holmes	Sanders	
Bedsole	Dixon	Langford	Smith (J)	
Bennett	Ellis	Little	Strong	
Bishop				—20

Nays: —0

The Bill:

S. 184. To amend Section 12-14-5, Code of Alabama 1975, which Section relates to the bail of persons charged with violations of municipal ordinances and to amend Section 12-14-70, Code of Alabama 1975, as amended, which Section relates to appeals to the circuit court from judgments of municipal courts; to establish an effective date.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 184, to-wit:

COMMITTEE AMENDMENT TO S. B. 184

Amend S. B. 184 on Page 1, Section 1, Line 29, by striking the figure "\$5,000.00" and inserting in lieu thereof the figure "\$1,000.00."

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Hand	Parsons	
Amari	Denton	Hilliard	Sanders	
Bailey	Ellis	Holmes	Smith (J)	
Bedsole	Figures	Langford	Strong	
Cooley	Foshee	Little		—18

Nays: —0

And said Bill, S. B. 184, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 18; Nays 0.

Yeas:

Senators:	Bedsole	Denton	Ellis
Amari	Cooley	Dial	Figures
Bailey	deGraffenried	Dixon	Foshee

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Hand	Langford	Parsons	Strong	
Holmes	Little	Smith (J)		—18
Nays:				—0

The Bill:

S. 345. To amend Section 2-15-133 which requires licensed livestock dealers to be covered by a bond or bond equivalent in amounts equal to purchases of livestock but in no amount less than \$10,000; to require the filing of verified financial statements; to require full payment of livestock not later than the close of the next business day; to exempt livestock dealers from the requirements of a bond or bond equivalent if they pay for livestock with United States currency, money orders or certified or cashier's checks at the time of purchase.

was taken up.

On motion of Senator Bailey, the Rules were suspended under the provisions of Senate Rule 14 (4), and he was granted permission to take up the Bill:

H. 431. To amend Section 2-15-133 which requires licensed livestock dealers to be covered by a bond or bond equivalent in amounts equal to purchases of livestock but in no amount less than \$10,000; to require the filing of verified financial statements; to require full payment of livestock not later than the close of the next business day; to exempt livestock dealers from the requirements of a bond or bond equivalent if they pay for livestock with United States currency, money orders or certified or cashier's checks at the time of purchase.

in place of the Consent Calendar Bill, S. B. 345.

And said Bill, H. B. 431, was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Parsons	
Amari	Denton	Hand	Sanders	
Bailey	Dial	Holmes	Smith (J)	
Bedsole	Figures	Langford	Strong	
Cooley	Foshee	Little	Teague	—19

Nays: —0

On motion of Senator Bailey, further consideration of the Bill, S. B. 345, was indefinitely postponed.

The Bill:

S. 264. To amend the definitions contained in § 13A-10-30 [in the criminal code article on escape and related crimes] to provide that the failure of an inmate to remain within the limits of his confinement extended pursuant to any work release, trustee, furlough, leave, or pass program or to return within the time prescribed pursuant to such program to the place of confinement is an escape from custody and punishable as such; to provide that the restraint or detention aspect of custody for purposes of escape can be either actual or constructive; to define escape; to specify the conduct to which this act applies; to repeal all conflicting laws or parts of laws insofar as they apply to conduct occurring after the effective date of this act; and to provide an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Ellis	Menton	
Amari	Covington	Figures	Parsons	
Bailey	Denton	Foshee	Smith (J)	
Bedsole	Dial	Hand	Teague	
Cooley	Dixon	Holmes		—18

Nays: —0

The Bill:

S. 254. To amend Section 9-2-107, Code of Alabama 1975, relating to the State Park Revolving Fund, so as to provide that up to 2% of said fund may be encumbered each year for use in major repair and maintenance service of land, buildings, and permanent equipment fixed assets; and capital improvements or alteration to land, buildings, or permanent equipment.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Senators:	Covington	Foshee	Parsons	
Bailey	Denton	Goodwin	Sanders	
Bedsole	Dial	Hand	Smith (B)	
Bennett	Dixon	Holmes	Smith (J)	
Cooley	Ellis	Little	Strong	
Corbett	Figures	Menton	Teague	—23

Nays: —0

RESOLUTION

Senator Menton offered the following Senate Resolution, to-wit:

S. R. 169. COMMENDING THE UNIVERSITY OF GEORGIA'S COACH VINCE DOOLEY.

Which was adopted.

BILLS ON THIRD READING RESUMED

The Bill:

S. 185. To amend Sections 12-19-90, 7-9-403, 7-9-404, 7-9-405, 7-9-406, 7-9-407, 9-11-37, 9-11-47, 9-11-55, 9-11-56, 33-5-10, 33-5-17, 40-12-2, 40-12-15 and 40-12-22, Code of Alabama, 1975, as amended, which relate to the fees and charges for services rendered in the probate offices of this state, so as to provide further for the fees and charges for services rendered in such offices.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 185, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 185

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 12-19-90, 7-9-403, 7-9-404, 7-9-405, 7-9-406, 7-9-407, 9-11-37, 9-11-47, 9-11-55, 9-11-56, 33-5-10, 33-5-17, 40-12-2, 40-12-15 and 40-12-22, Code of Alabama, 1975, which relate to the fees and charges for services rendered in the probate offices of this state, so as to provide further for the fees and charges for services rendered in such offices.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-19-90, Code of Alabama, 1975, is hereby amended to read as follows:

"§ 12-19-90. (a) The following fees for service in the probate offices shall be charged and paid into the county treasury or to the probate judge as may be authorized or required by law:

(1) Probate of will of not more than five pages, whether contested or not, with three certified copies of letters and including partial or final settlement when not more than 10 pages. An additional charge of \$1.50 per page for wills over five pages in length and for partial or final settlements in excess of 10 pages in length shall be made ~~\$ -30.00~~ \$ 45.00

(2) Grant of letters of administration with three certified copies of letters of administration and including final settlement when not more than 10 pages (when over 10 pages an additional charges of \$1.50 per page) ~~\$ -30.00~~ \$ 45.00

(3) Grant of letters of guardianship, three certified copies ~~\$ -15.00~~ \$ 20.00

(4) Partial or final settlement of guardianship ~~\$ -10.00~~ \$ 15.00

(5) Each additional certified copy of letters testamentary, letters of administration or letters of guardianship ~~\$ --1.00~~ \$ 2.00

(6) Proceedings in filing and granting petition of adoption, including one certified copy of decree for petitioner, one certified copy for the department of pensions and security and one copy to the state bureau of vital statistics. (Fee shall apply to each child adopted) ~~\$ --7.50~~ \$ 20.00

(7) Proceedings in legitimations, fee to apply to each child ~~\$ -10.00~~ \$ 15.00

(8) Proceedings in change of name ~~\$ --5.00~~ \$ 10.00

(9) Proceedings to set aside homestead, whether contested or not ~~\$ -25.00~~ \$ 35.00

(10) Proceedings to set aside dower, whether contested or not ~~\$ -15.00~~ \$ 20.00

(b) Fees for services other than those specified in subsection (a) shall be:

(1) Filing petitions and other papers, each ~~\$ ---.25~~ \$ 1.00

(2) Docketing cause ~~\$ --2.00~~ \$ 5.00

(3) Issuing each citation, summons, writ, execution for cost or other notice required by law ~~\$ --1.00~~ \$ 2.00

(4) Issuing subpoenas to witnesses, each ~~\$ ---.50~~ \$ 1.00

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(5) Witnesses certificate	\$.---.50	\$ 1.00
(6) Order of publication	\$.--1.00	\$ 3.00
(7) Posting order of publication, each	\$.---.50	\$ 1.00
(8) Notice by mail to creditor and heirs, each	\$.---.50	\$ 1.50
(9) Each notice not otherwise provided for	\$.--1.00	\$ 2.00
(10) Issuing commission to take testimony	\$.--2.00	\$ 5.00
(11) Entering returns of sheriff, printer or commissioner, each	\$.---.25	\$ 1.00
(12) Appointment of guardian ad litem, special attorney or administrator ad litem	\$.--2.00	\$ 5.00
(13) Approving bonds	\$.--2.00	\$ 5.00
(14) Presiding in noncontested cause or examining papers, pleadings, taking testimony, etc.	\$.--3.00	\$ 5.00
(15) Presiding in contested cause, per day	\$.--15.00	\$ 25.00
(16) Examining vouchers, each	\$.---.15	\$.50
(17) Entering decree or other order	\$.--1.00	\$ 3.00
(18) Drafting or examining decree	\$.--3.00	\$ 5.00
(19) Each certificate with seal	\$.--1.00	\$ 2.00
(20) Each certificate without seal	\$.---.50	\$ 1.00
(21) Filing and docketing each claim	\$.---.50	\$ 1.50
(22) Filing and recording, including recording documents filed for record, irrespective of size type, per page	\$.--1.50	\$ 2.50
(23) Filing and recording all oil, gas, mineral and/or coal leases, per page	\$.--5.00	\$ 7.50
(24) If the instrument conveys any interest in real or personal property within this state and recites more than two grantors or grantees, mortgagors or mortgagees, lessors or lessees, transferors or transferees, assignors or assignees, buyers or sellers or vendors or vendees, an additional fee for indexing each name in excess of two entered in the direct index or two entered in the reverse index	\$.---.50	\$ 1.00
(25) <u>a. Copy of an instrument, per 100 words page</u> <u>(not to exceed 10 pages); and</u>	\$.---.30	\$ 1.00
<u>b. For all pages in excess of 10, an amount per</u> <u>page not to exceed</u>		\$.50
(26) Each entry of an estray, to be paid by taker	\$.---.50	\$ 1.00
(27) Each record of a mark or brand	\$.---.50	\$ 1.00
(28) Filing and recording certificate of incorporation organized as a profit-making organization	\$.25.00	\$ 35.00
(29) Filing and recording certificate of incorporation organized as a nonprofit corporation	\$.10.00	\$ 15.00
(30) Each certificate given under Title 22 in relation to hospitals, diseases, infection and quarantine	\$.---.50	\$ 1.00
(31) Each satisfaction of a mortgage	\$.---.50	\$ 1.00
(32) Issuing and recording marriage license	\$.--5.00	\$ 10.00
(33) Celebrating rites of matrimony	\$.--5.00	\$ 7.50
(34) Proceedings to correct record of marriage	\$.--5.00	\$ 7.50
(35) Recording certificates of judgment	\$.--1.50	\$ 2.50
(36) Administering oath for affidavit	\$.---.50	\$ 1.00
(37) Issuing writs of ad quod damnum for the erection of dams or public mills	\$.--5.00	\$ 10.00
(38) Proceedings appointing legal representative	\$.15.00	\$ 25.00
(39) Establishing facts of birth	\$.10.00	\$ 15.00

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(40) Proceedings appointing notary public and recording	-\$--5.00 \$ 10.00
(41) Hearing pertaining to mental illness	-\$-15.00 \$ 25.00
(42) Restoration to sanity hearing	-\$--5.00 \$ 10.00
(43) Taking questions and answers and recording the same in proceedings to perpetuate testimony, per page ..	-\$--1.50 \$ 5.00
(44) Trying and sealing weights and measures, for each weight and measure sealed, to be paid by the person for whom the service is performed	-\$---- 25- \$ 1.00
(45) Fees on all sums paid to the probate judge as escheats, 10 percent of total amount.	
(46) Recording or copying plats, for each lot contained therein, \$-25- \$.50 per lot, but in no case more than \$200.00 for one map, nor less than \$5.00 \$10.00 for one map.	
(47) Presiding over the county commission and keeping minutes of the county commission, for each day	\$ 10.00
(48) For recording minutes and proceedings of the county commission, for each page or fraction thereof ..	\$ 2.00
(49) Discharging his duties in relation to public roads, on proof to the county commission that he had discharged such duties, annually, to be paid out of the county treasury or, in the discretion of county commission, to be paid out of the county gasoline tax fund, not exceeding	\$400.00
(50) For certifying record on appeal under either Rule 10(d) or (e) of the Alabama Rules of Appellate Procedure	-\$--5.00 \$ 15.00
(51) All other official duties, for the compensation of which no express provision is made by law, such sum as may be allowed by the county commission to be paid out of the county treasury, not exceeding \$500.00 per annum.	
(52) Commissions on state and county licenses issued in the probate office, five percent on the amount collected and paid over.	

(c) ~~For any proceeding under the equity power of the probate court and for any other proceeding in the probate court or for receiving, keeping and paying out money or distributing money where there is no fee now allowed by law, the same fees shall be charged as are now allowed to the register in the circuit court as provided for in subdivision (3) of section 12-19-71. Provided, however, for any proceeding under the equity power of the probate court the same fees shall be charged as are provided in this section.~~

(d) This section shall not repeal, amend nor affect any local law or general law of local application prescribing fees for probate judges."

Section 2. Sections 7-9-403, 7-9-404, 7-9-405, 7-9-406 and 7-9-407, Code of Alabama, 1975, as amended, are hereby amended to read as follows:

"§ 7-9-403. (1) Presentation for filing of a financing statement and tender of the filing fee or acceptance of the statement by the filing officer constitutes filing under this article.

(2) Except as provided in subsection (6), a filed financing statement is effective for a period of five years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of the five-year pe-

riod unless a continuation statement is filed prior to the lapse. If a security interest perfected by filing exists at the time insolvency proceedings are commenced by or against the debtor, the security interest remains perfected until termination of the insolvency proceedings and thereafter for a period of 60 days or until expiration of the five-year period, whichever occurs later; but when the five-year period expires before the expiration of the 60-day period, the security interest remains continuously perfected beyond the 60-day period only if a continuation statement is filed before expiration of the five-year period or a new financing statement is filed between the time of expiration of the five-year period and expiration of the 60-day period. Upon lapse the security interest becomes unperfected, unless it is perfected without filing. If the security interest becomes unperfected upon lapse, it is deemed to have been unperfected as against a person who became a purchaser or lien creditor before lapse.

(3) A continuation statement may be filed by the secured party within six months prior to the expiration of the five-year period specified in subsection (2). Any such continuation statement must be signed by the secured party, identify the original statement by file number and state that the original statement is still effective. A continuation statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of section 7-9-405, including payment of the required fee. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement. Unless a statute on disposition of public records provides otherwise, the filing officer may remove a lapsed statement from the files and destroy it. Microfilm or other photographic records may be removed and destroyed after five years after the lapse. The filing officer shall so arrange matters by physical annexation of financing statements to continuation statements or other related filings, or by other means, that if he physically destroys the financing statements of a period more than five years past, those which have been continued by a continuation statement or which are still effective under subsection (6) shall be retained.

(4) The filing officer shall mark each statement with a file number and with the date and hour of filing and shall hold the statement or a microfilm or other photographic copy thereof for public inspection. In addition the filing officer shall index the statements according to the name of the debtor and such trade names as are shown (subsection (7) of section 7-9-402) and shall note in the index the file number and the address of the debtor given in the statement.

(5) The uniform fee for filing and indexing and for stamping a copy furnished by the secured party to show the date and place of filing for an original financing statement or for a continuation statement shall be ~~\$4.00~~ \$5.00 for the first page and ~~\$.50~~ \$1.00 per page for each additional page if the statement is in the standard form prescribed by the secretary of state and an additional \$2.00 for each statement if not in the standard form, plus in each case, if the financing statement is subject to subsection (5) of section 7-9-402, \$1.00. The uniform fee for each name more than one required to be indexed shall be \$1.00. The secured party may at his option show a trade name for any person and an extra uniform indexing fee of \$1.00 shall be paid with respect thereto.

(6) If the debtor is a utility (subsection (5) of section 7-9-401) and a filed financing statement so states, it is effective until a termination statement is filed. A real estate mortgage which is effective as a fixture filing under subsection (6) of section 7-9-402 remains effective as a fixture filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real estate.

(7) When a financing statement covers timber to be cut or crops growing or to be grown, or is filed as a fixture filing, the filing officer shall, in addition to indexing it in the ordinary manner prescribed in subsection (4) of this section, index it in the real estate mortgage records under the names of the debtor and any owner of record shown on the financing statement in the same fashion as if they were the mortgagors in a mortgage of the real estate described and, to the extent that the law of this state provides for indexing of mortgages under the name of the mortgagee, then also under the name of the secured party as if he were the mortgagee thereunder, and where indexing is by description in the same fashion as if the financing statement were a mortgage of the real estate described.

"§ 7-9-404. (1) Whenever there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must on written demand by the debtor send the debtor, for each filing officer with whom the financing statement was filed, a termination statement to the effect that he no longer claims a security interest under the financing statement, which shall be identified by the file number. A termination statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record complying with subsection (2) of section 7-9-405, including payment of the required fee. If the affected secured party fails to send such a termination statement within 10 days after proper demand therefor he shall be liable to the debtor for \$100.00, and in addition for any loss caused to the debtor by such failure.

(2) On presentation to the filing officer of such a termination statement he must index it with the financing statement. If he has received the termination statement in duplicate, he shall return one copy of the termination statement to the secured party stamped to show the time of receipt thereof. If the filing officer has a microfilm or other photographic record of the financing statement, and of any related continuation statement, statement of assignment, statement of release and termination statement, he may remove the originals from the files at any time after receipt of the termination statement, or if he has no such record, he may remove them from the files at any time after the financing statement would have ~~lapsed~~ lapsed under section 7-9-403(2). Microfilm or other photographic records may be removed and destroyed after five years after the financing statement would have ~~lapsed~~ under section 7-9-403(2).

(3) The uniform fee for filing and indexing a termination statement and for stamping a copy furnished by the secured party to show the date and place of filing thereof shall be \$4.00 ~~\$5.00~~ for the first page and \$.50 ~~\$1.00~~ for each additional page if the statement is in the standard form prescribed by the secretary of state and an additional \$2.00 if not in the standard form.

"§ 7-9-405. (1) A financing statement may disclose an assignment of a security interest in the collateral described in the financing statement by indication in the financing statement of the name and address of the assignee or by an assignment itself or a copy thereof on the face or back of the statement. On presentation to the filing officer of such a financing statement

the filing officer shall mark and index it as provided in subsections (4) and (7) of section 7-9-403.

(2) A secured party may assign of record all or part of his rights under a financing statement by the filing in the place where the original financing statement was filed of a separate written statement of assignment signed by the secured party of record and setting forth the name of the secured party of record and the debtor, the file number and the date of filing of the financing statement and the name and address of the assignee and containing a description of the collateral assigned. A copy of the assignment is sufficient as a separate statement if it complies with the preceding sentence. On presentation to the filing officer of such a separate statement, the filing officer shall mark such separate statement with the date and hour of the filing. He shall index the assignment with the financing statement, and in the case of a fixture filing, or a filing covering timber to be cut or crops growing or to be grown, he shall also index the assignment in the real estate mortgage records under the name of the assignor as grantor and, to the extent that the law of this state provides for indexing the assignment of a mortgage under the name of the assignee, he shall index the assignment under the name of the assignee. The uniform fee for filing, indexing and stamping a copy furnished by the secured party to show the date, hour and place of filing for such a separate statement of assignment shall be ~~\$4.00~~ \$5.00 for the first page and ~~\$.50~~ \$1.00 per page for each additional page if the statement is in the standard form prescribed by the secretary of state and an additional \$2.00 if not in the standard form, plus, in each case, if the assignment pertains to a financing statement subject to subsection (5) of section 7-9-402, \$1.00. Notwithstanding the provisions of this subsection, an assignment of record of a security interest in a fixture contained in a mortgage effective as a fixture filing (subsection (6) of section 7-9-402) may be made only by an assignment of the mortgage in the manner provided by the law of this state other than this title.

(3) After the disclosure or filing of an assignment under this section, the assignee is the secured party of record.

"§ 7-9-406. A secured party of record may by his signed statement release all or a part of any collateral described in a filed financing statement. The statement of release is sufficient if it contains a description of the collateral being released, the name and address of the debtor, the name and address of the secured party and the file number of the financing statement. A statement of release signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of section 7-9-405, including payment of the required fee. Upon presentation of such a statement of release to the filing officer he shall mark the statement with the hour and date of filing and shall index the same with the financing statement. The uniform fee for filing and indexing and for stamping a copy furnished by the secured party to show the date, hour and place of filing for such a statement of release shall be ~~\$4.00~~ \$5.00 for the first page and ~~\$.50~~ \$1.00 per page for each additional page if the statement is in the standard form prescribed by the secretary of state and an additional \$2.00 if not in the standard form.

"§ 7-9-407. (1) If the person filing any financing statement, termination statement, statement of assignment or statement of release furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

(2) Upon request of any person and upon payment of the uniform fee, the filing officer shall may issue his certificate showing whether there is on file on the date and hour stated therein, any presently effective financing statement naming a particular debtor and any statement of assignment thereof and if there is, giving the date and hour of filing of each such statement and the names and addresses of each secured party therein. The uniform fee for such a certificate shall be ~~\$3.00~~ \$4.00, plus ~~\$.50~~ \$1.00 for each financing statement and for each statement of assignment reported therein. Upon request the filing officer shall may furnish a copy of any filed financing statement or statement of assignment for a uniform fee of \$1.00 per page. An additional fee of \$2.00 shall be charged for each request not made on the standard form prescribed by the secretary of state."

Section 3. Section 9-11-37, Code of Alabama, 1975, is hereby amended to read as follows:

"§ 9-11-37. (a) There shall be a \$.25 \$1.00 issuance fee for all licenses sold by the game and fish division of the department of conservation and natural resources, which shall be in addition to the prescribed cost of such licenses. In counties where the probate judge or issuing officer is on the fee system, the issuing fee shall be retained by the probate judge or issuing officer, and in counties where the probate judge or issuing officer is on a salary basis, the fee shall be paid by him into the county treasury to the credit of the appropriate fund. It shall be unlawful to charge any amount that is in excess of the fee provided herein; and, if any probate judge, license commissioner, special agent or other person authorized to issue such licenses does so, he shall be guilty of a misdemeanor and shall be punished, upon conviction, by a fine of not less than \$10.00 nor more than \$25.00 for each offense.

(b) The balance of such fees shall be remitted to the department of conservation and natural resources on the first of each month, which balance shall be covered into the treasury to the credit of the game and fish fund of the department.

(c) Said judges of probate and all other duly authorized and designated persons shall report to the department of conservation and natural resources on the first day of each month the number and kind of licenses issued and the name and post office address of the person or persons to whom issued, giving opposite each name the serial number of the license so issued."

Section 4. Section 9-11-47, Code of Alabama, 1975, as amended, is hereby amended to read as follows:

"§ 9-11-47. Any nonresident of this state who is 16 years old or older must procure an annual all game hunt license to hunt all legal game in this state by filing his application with the commissioner of conservation and natural resources or any judge of probate or other person authorized to issue same, stating his age, race, place of residence and post office address and after paying to the person issuing said license a fee of \$175.00.

Every person making application for nonresident game license as provided in this section and Sections 9-11-46, 9-11-48 and 9-11-49 of the Code of Alabama 1975 shall present a driver license or in the case of nondrivers, proof of permanent residence. All nonresident game licenses shall bear the driver license number of the licensee and the state where said license was issued, except in the case of nondrivers, and all licenses shall bear proof of

residence as required by the commissioner of conservation and natural resources.

Every person who obtains a nonresident game license without presenting a driver license or in the case of nondrivers, proof of permanent residence, shall be punished by a fine of not less than twice the applicable license fee.

All game hunt licenses issued pursuant to this section shall be valid for hunting deer only from the opening date of statewide deer season through December 31 of that same year. Provided, however, the provisions of this paragraph as to the expiration date of such licenses shall not apply to nonresidents of this state who pay a fee to an authorized guide hunting service; provided, however, that any guide hunting service that has been in existence and operating within the State of Alabama during the hunting season immediately preceding the effective date of this act shall be automatically designated as an authorized guide hunting service and shall not be subject to any rules or regulations promulgated before or after the effective date of this act by the Commissioner of the Department of Conservation and Natural Resources, or the Department or the Conservation Advisory Board, pertaining to guide hunting services in Alabama. The commissioner of the department of conservation and natural resources is hereby authorized to promulgate rules and regulations setting out the requirements for an approved guide hunting service except those guide hunting services that have been in existence and operating within the state on the effective date of this act.

The issuing officer or authority shall be allowed a fee of ~~\$1.00~~ \$2.00 for each nonresident license issued by him as provided in this section and Sections 9-11-46, 9-11-48, and 9-11-49, which issuing fee shall be in addition to the cost of the license."

Section 5. Sections 9-11-55 and 9-11-56, Code of Alabama, 1975, as amended, are hereby amended to read as follows:

"§ 9-11-55. Nonresidents of the state may procure an annual fishing license which will authorize the holder thereof to fish in any of the public fresh, salt or brackish waters of this state, by filing with any person authorized to issue same an affidavit stating the applicant's age, place of residence and post office address and after paying to the person issuing said license a fee of \$10.00.

The issuing officer or authority or special agent shall be allowed a fee of ~~\$.25~~ \$1.00 for each such license issued by him, which issuing fee shall be in addition to the cost of such license. In counties where the probate judge or issuing officer is on the fee system, the issuing fee shall be retained by the probate judge or issuing officer, and in counties where the probate judge or issuing officer is on a salary basis, the fee shall be paid by him into the county treasury to the credit of the appropriate fund.

Seven dollars of the said \$10.00 are to be deposited in the state treasury to the credit of the game and fish fund and \$3.00 to the credit of the seafoods fund.

"§ 9-11-56. Any nonresident of this state may procure a trip fishing license in the same manner provided for other licenses provided in this article, by paying therefor the sum of \$4.00, which license will authorize the holder thereof to fish in any of the public fresh, salt or brackish waters of this state for a period of seven days from the day said license was issued.

The issuing officer or authority or special agent shall be allowed a fee of ~~\$.25~~ \$1.00 for each such license issued by him, which issuing fee shall be in addition to the cost of such license. In counties where the probate judge or issuing officer is on the fee system, the issuing fee shall be retained by the probate judge or issuing officer, and in counties where the probate judge or issuing officer is on a salary basis, the fee shall be paid by him into the county treasury to the credit of the appropriate fund.

Three dollars of the said \$4.00 is to be deposited in the state treasury to the credit of the game and fish fund and \$1.00 to the credit of the seafoods fund."

Section 6. Sections 33-5-10 and 33-5-17, Code of Alabama, 1975, as amended, are hereby amended to read as follows:

"§ 33-5-10. (a) The department of conservation and natural resources will issue annual certificates of registration directly and shall authorize all probate judges in the state or any other official in the state who is presently authorized to issue automobile license plates to issue annual certificates of registration and numbers in connection therewith. In conformity with this chapter and any rules and regulations which may be validly issued by the department of conservation and natural resources, the department of conservation and natural resources shall assign to each issuing officer in said county a block of numbers and certificates therefor which upon issue the issuing officer shall be allowed a fee of ~~\$.50~~ \$1.00 for each certificate issued by him in counties where the probate judge or issuing officer is on the fee system, the issuing fee shall be retained by the probate judge, and, in counties where the issuing officer or probate judge is on a salary basis, the fee shall be paid to the county treasury. The issuance fee provided for herein shall be in addition to the amount of the boat registration fee.

(b) All registration money, except the ~~\$.50~~ \$1.00 fee allowed as aforesaid, shall be remitted monthly to the department of conservation and natural resources not later than 10 days after the first of each month. The department of conservation and natural resources shall transmit all money received by it to the state treasurer, there to be deposited in a fund to be known as the "state water safety fund."

(c) All moneys received out of the sale of licenses under the provisions of this chapter may be used by the commissioner of the department of conservation and natural resources for all purposes reasonably necessary in the cost of administration of this chapter, including the printing of certificates of registration, postage and transportation charges, clerical, personnel, equipment purchases, salaries and other expenses for each year; except, that no funds collected under the provisions of this chapter may be used to supplement or pay the salaries of any enforcement officers other than those hired specifically for the purposes of administering the provisions of this chapter. The commissioner of the department of conservation and natural resources shall expend such moneys as may be appropriated to said marine police division, in such manner as the commissioner of conservation and natural resources may deem necessary and appropriate; provided, however, that such appropriations may be expended only for the purposes designated by the legislature and in the amounts provided therefor in the general appropriation bill and shall be budgeted and allotted in accordance with the provisions of article 4 of chapter 4 of Title 41. It is the intent of the legislature that the department of conservation and natural resources utilize existing personnel and equipment of that department and of the sheriffs of

this state to the maximum possible extent in enforcing and administering this chapter, to the end that there be no costly duplication of services.

"§ 33-5-17. Vessels subject to the provisions of this chapter shall be classified according to the following schedule and annual fees charged by the department of conservation and natural resources for registration shall be in the following amounts:

Class 1. Less than 16 feet in length, \$6.00 plus \$.50 \$1.00 issuance fee.

Class 2. Sixteen feet or over and less than 26 feet in length, \$10.00 plus \$.50 \$1.00 issuance fee.

Class 3. Twenty-six feet or over and less than 40 feet in length, \$20.00 plus \$.50 \$1.00 issuance fee.

Class 4. Forty feet or over in length, \$40.00 plus \$.50 \$1.00 issuance fee.

Class 5. Dealer or manufacturer; temporary license, \$25.00 plus \$.50 \$1.00 issuance fee for the first license purchased, and \$3.00 plus \$.50 \$1.00 issuance fee for each additional license.

LIVERY:

Class 1. \$4.00 plus \$.50 \$1.00 issuance fee.

Class 2. \$6.00 plus \$.50 \$1.00 issuance fee.

Class 3. \$8.00 plus \$.50 \$1.00 issuance fee."

Section 7. Sections 40-12-2, 40-12-15 and 40-12-22, Code of Alabama, 1975, as amended, are hereby amended to read as follows:

"§ 40-12-2. (a) Before any person, firm or corporation shall engage in or carry on any business or do any act for which a license by law is required, he, they or it, except as otherwise provided, shall pay to the judge of probate of the county in which it is proposed to engage in or carry on such business or do such act, or to the commissioner of licenses or the state department of revenue, as specified, the amount required for such license and shall comply with all the other requirements of this title.

(b) Upon the payment of the amount required for said license and a fee of \$.50 \$1.00 herein provided for the issuance of such license and all costs and fees and penalties which shall have accrued, or for which such person, firm or corporation shall have become liable in any proceedings commenced for the collection of such license, or to enforce payment thereof, such probate judge, commissioner of licenses or department of revenue shall issue the license properly countersigned, in the form and on the blank to be furnished by the comptroller, which shall set forth and specify the name of the person, firm or corporation applying therefor, whether the business, profession or occupation for which the license is procured is owned by an individual, partnership, corporation or other association, stating the name of the individual, the name of each of the partners if a partnership, the exact name of the corporation or association, if a corporation or association, and the name of each of the principal officers thereof, the business or act which it is proposed to carry on or do thereunder, the name of the street or location where it is proposed to carry on the same, if such location shall be in a city or town and have a street number and, if not, then the location and amount paid for such license, and the time for which it is issued; and if the license is for a peddler it shall state whether he proposes to travel on foot or on horseback or on wagon or motor vehicle; provided, that the governing body of any county may furnish application blanks in such form that the

applicant for a license may supply the above information in writing; and such license shall not be transferable except as otherwise provided herein, nor shall it entitle the holder thereof to carry on any other business or do any other act than that named therein.

(c) Whenever a license is levied in this title, there shall be collected both a state and county license for each place of business, except as specifically otherwise provided.

(d) In case it should become necessary to remove any business for which a license is required by this section from one location to another location in the same county, and such business is continued as the same kind and character and by the same person or firm as that carried on at the former location, another license shall not be required for such business for the same license year.

(e) There is hereby levied for the use and benefit of and to be paid to the county in which the license is issued, in addition to all license taxes levied under the provisions of article 2 of this chapter, for state purposes and which are payable to the judge of probate or commissioner of licenses, a sum equal to 50 percent of the amount levied for state purposes, except as otherwise specifically provided.

(f) Any action to recover the amount due for any license, whether levied solely for state purposes or for state and county purposes, shall be instituted by the state of Alabama and may include all penalties and fees due by any person, in addition to the amount due for such license and interest thereon. The amount recovered in any such actions shall be paid to the state department of revenue, and if any portion of said license was levied for county purposes, such portion shall be remitted to the county in which such license was payable, and the department may from the amount of any penalties or fee thus recovered remit the amount, if any, due to the judge of probate, commissioner of licenses or license inspector.

"§ 40-12-15. (a) Every license shall be held to confer a personal privilege to transact the business, employment or profession which may be the subject of the license and shall not be exercised except by the person, firm or corporation licensed, unless specifically authorized by law to do so.

(b) When a business or privilege for which such license is issued is, under actual sale, transferred to a new ownership, a transfer of license may be effected affected by application to the probate judge originally issuing such license and the payment of a fee of \$.50 \$1.00.

"§ 40-12-22. Within 20 days after the end of each month, the probate judge must remit to the state treasurer at the expense of the state all money received by him for licenses belonging to the state and pay to the county treasurer all the money received by him for licenses belonging to the county, and within the same time the probate judge shall forward to the comptroller and to the department of revenue each certified list of all licenses issued by him, stating thereon for what business issued, amount collected for each license, from whom collected and the date of such collection; and, if no licenses have been issued, he shall report that fact; provided, that for the months of October, November and December of each calendar year, the probate judge shall be granted an additional period of 10 days in which to make the remittances and certification of lists above specified and for such months shall be required to make such remittances and certification of lists within 30 days after the end of each of such months. The probate judge shall be entitled to receive ~~two and one-half~~ five percent of the amount of

money collected for licenses due the state, which he may deduct from his remittance to the state treasurer, and he shall be entitled to the same amount as compensation for collecting licenses due the county, which amount he may deduct from the payment made by him to the county treasurer, but he shall not be allowed any commission on any money not remitted by him within 20 days from the end of the month, except as otherwise provided herein with reference to the months of October, November and December of each calendar year, for which months the probate judge shall be entitled to the commissions herein provided if such remittances be made within 30 days after the end of each such months. If the probate judge fails to comply with the provisions of this section within five days after the date on which he is required to make such report and to remit the money collected by him, the comptroller shall forthwith report the fact to the governor, who shall cite such probate judge to show why he has not made report of the lists of licenses and paid over the amount collected by him as required by law, and if such probate judge fails to show sufficient cause for such failure, the governor shall direct the attorney general to institute impeachment proceedings against him before the supreme court."

Section 8. This Act shall become effective on the first day of the second month immediately following the month in which said Act becomes a law.

Which was adopted.

Yeas 17; Nays 1.

Yeas:

Senators:	Denton	Langford	Pearson	
Bedsole	Dial	Little	Smith (B)	
Cooley	Ellis	Menton	Strong	
Corbett	Foshee	Parsons	Teague	
Covington	Hand			—17

Nay: Senator Dixon —1

And said Bill, S. B. 185, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 19; Nays 1.

Yeas:

Senators:	Covington	Foshee	Parsons	
Bedsole	Denton	Goodwin	Smith (B)	
Bennett	Dixon	Hand	Smith (J)	
Cooley	Ellis	Langford	Strong	
Corbett	Figures	Menton	Teague	—19

Nay: Senator Little —1

The Bill:

S. 438. To amend Section 12-15-7 of the Code of Alabama 1975, relating to appointment of juvenile probation officers, so as to provide further for such appointments.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

REGULAR SESSION
19th Day

977

Yeas:

Senators:	Corbett	Hand	Smith (B)
Amari	Covington	Langford	Smith (J)
Bedsole	Dixon	Little	Strong
Bennett	Figures	Menton	Teague
Cooley	Goodwin	Parsons	—18

Nays: —0

The Bill:

S. 145. To require city and county boards of education, the State Board of Education, the Department of Youth Services, the Alabama Institute for Deaf & Blind and the governing boards of Alabama's public senior universities to provide vehicle liability insurance to cover personal liabilities of moving vehicle accidents for bus drivers or any employee required to transport pupils.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 145, to-wit:

COMMITTEE AMENDMENT TO S. B. 145

Amend S. 145 by inserting a new Section 2 as follows, and by renumbering all subsequent sections:

Section 2. School boards and other agencies covered by this act shall be deemed to be in compliance with the requirements of this Act by either purchasing a liability insurance policy naming drivers as insureds, or if the employing board elects not to purchase a policy, by reimbursing individual employees for amounts necessary to add "drive other car broad form liability" riders to their individual vehicle liability insurance policies, to the limits specified by the employing board or agency.

On motion of Senator Amari, the Rules were suspended under the provisions of Senate Rule 14 (4), and he was granted permission to take up the Bill:

H. 379. To require city and county boards of education, the State Board of Education, the Department of Youth Services, the Alabama Institute for Deaf & Blind and the governing boards of Alabama's public senior universities to provide vehicle liability insurance to cover personal liabilities of moving vehicle accidents for bus drivers or any employee required to transport pupils.

in place of the Consent Calendar Bill, S. B. 145.

And said Bill, H. B. 379, was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Little
Amari	Dixon	Goodwin	Menton
Cooley	Drinkard	Hand	Parsons
Corbett	Ellis	Hilliard	Strong
Covington	Figures	Langford	—18

Nays: —0

On motion of Senator Amari, further consideration of the Bill, S. B. 145, was indefinitely postponed.

The Bill:

S. 399. Relating to exempt property and allowances under the Probate Code; to permit employers to pay to the surviving spouse or to a person with custody over surviving children any wages or salary due an employee who dies intestate, said sum being considered a part of other exempt property and allowances.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	deGraffenried	Figures	Menton	
Amari	Denton	Goodwin	Parsons	
Bennett	Dial	Hand	Sanders	
Bishop	Dixon	Langford	Smith (J)	
Cooley	Ellis	Little	Strong	—19

Nays:

—0

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 133. CREATING THE CONTRACT REVIEW PERMANENT LEGISLATIVE OVERSIGHT COMMITTEE.

On motion of Senator Dixon, the Resolution was then adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 11. CREATING AN INTERIM LEGISLATIVE COMMITTEE TO ASSESS THE NON-FEDERAL ASPECTS AND RESPONSIBILITIES INVOLVED IN COMPLETING THE COOSA RIVER NAVIGATION PROJECT.

On motion of Senator Drinkard, the Resolution was then adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 207. COMMENDING MISS TERESA LYNN CHAPPELL OF STERRETT, ALABAMA, MISS ALABAMA USA TEEN.

Also:

H. J. R. 209. COMMENDING JOHN SHAW HIGH SCHOOL, MOBILE, ALABAMA, ON THE 20TH ANNIVERSARY OF ITS FOUNDING.

Also:

H. J. R. 208. COMMENDING MISS HEATHER BRYANT OF COOSADA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 206. COMMENDING MR. JAMES P. HOMER FOR OUTSTANDING CONTRIBUTIONS TO LIVINGSTON UNIVERSITY.

Also:

H. J. R. 197. WISHING MRS. MARY HOLLEY A SPEEDY RECOVERY.

Also:

H. J. R. 183. RECOGNIZING THE ALABAMA DEEP SEA FISHING RODEO AS A SPORTS EVENT OF NATIONAL PROMINENCE.

Also:

H. J. R. 161. DESIGNATING THE WEEK OF JUNE 3RD THROUGH 9TH, 1984, AS "ALABAMA RECYCLING WEEK".

On motion of Senator Parsons, the Resolutions were then concurred in and adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate Joint Resolution, and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 146. COMMENDING THE MONTGOMERY CHAPTER OF PROFESSIONAL SECRETARIES INTERNATIONAL.

On motion of Senator Parsons, the Resolution was then adopted by the Senate.

RESOLUTIONS

Senator Barron offered the following Senate Joint Resolution, to-wit:

S. J. R. 170. CREATING THE HUNTSVILLE GOVERNMENTAL STUDY TASK FORCE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Huntsville Governmental Study Task Force. Each member of the Madison County Legislative Delegation shall appoint one member to the task force, and the mayor and each city councilman of the City of Huntsville shall appoint one member. All appointees shall reside within the corporate limits of Huntsville.

The Chairman shall be elected from among its members and shall preside over all meetings. The Task Force shall make its own rules for the conduct of business. The initial meeting shall be held at the call of the Chairman of the Madison County Legislative Delegation. Members of the Task Force shall serve without compensation. Administrative and clerical assistance shall be available from the Madison County Legislative Office.

The purpose of the Task Force shall be to study various forms of governmental organization for the City of Huntsville.

The Task Force shall make its recommendations in writing to the

Madison County Legislative Delegation within twelve months of the effective date of this act, at which time it shall be discharged of any further responsibilities or duties.

On motion of Senator Barron, the Rules were suspended and the Resolution was adopted by the Senate.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 171. RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business upon reaching bills on third reading for the nineteenth legislative day of the 1984 Regular Session and for each day thereafter taking precedence over all other business until disposed of:

Inst Id		Page
H. 181	Petroleum products, gasoline, diesel fuel, kerosene, lub. oil, inspection fees and penalties; distribution of fees, Sec. 8-17-87 amended	115
H. 182	Motor vehicles, license tax and registration fees on trucks and truck-tractors, Sec. 40-12-248, 40-12-269 and 40-12-270 amd	117
H. 183	Oil and gas, counties authorized to levy excise tax on, gasoline and motor fuel not to exceed two cents per gallon	116

On motion of Senator Bishop, the Resolution was adopted by the Senate.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

S. 426. To make legislative findings regarding the need to provide additional methods of providing wastewater treatment facilities as well as the need for funds to finance such facilities; to define the particular terms used in the subsequent provisions of this act; to provide for and authorize the incorporation by any county or municipality in the state of one or more public corporations and instrumentalities of the state, upon the filing of an application with, and the making of certain determinations by, the governing body of a county or municipality; to provide for and authorize the certificate of incorporation of any such corporation to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such county or municipality; to provide for a board of directors of any such corporation and the election and removal of the members thereof; to authorize any such corporation to acquire, construct, own, lease, operate, or enter into contracts for the operation of, wastewater treatment facilities, and to provide for the general powers to be exercised by any such corporation and the conditions under which such powers may be exercised; to authorize any such corporation to sell, under installment sales agreements or other contractual arrangements satisfactory to the corporation, any wastewater facility of the corporation, and to grant options to purchase any such facility; to empower any such corporation to enter into long-term exclusive contracts for the receiving, treatment and disposal of pollutants; to empower any such corpora-

tion to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds and other obligations payable solely out of the revenues, receipts, income, funds or other sources (including installment sales agreements) specified in the proceedings under which such bonds, notes or other obligations are issued; to authorize any such corporation to pledge its revenues and income (including amounts to be received under installment sales or other contractual arrangements) and mortgage or assign its assets as security for its notes, bonds or other obligations; to provide for the issuance of refunding bonds, notes or other obligations by any corporation for the purpose of refunding bonds, notes or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such corporation; to provide that the notes, bonds or other obligations of any such corporation shall not constitute or create a debt of the state or any county, municipality or other political subdivision or agency thereof; to provide that the notes, bonds and other obligations of any such corporation may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the state the property, corporate activities, revenues and income of such corporation, such transaction or actions to which each such corporation is a party or in which it may be involved, and the notes, bonds and all other obligations of each such corporation and the income from such notes, bonds and obligations; to exempt any such corporation from all laws of the state governing usury or prescribing or limiting interest rates; to exempt any such corporation from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to provide for liberal construction of the provisions of this act; to confer upon any corporation organized under the provisions of this act the power of eminent domain; to exempt any corporation organized under the provisions of this act from state supervision and control; to provide that any county, municipality or other political subdivision, agency or instrumentality of the state or any county or municipality may aid and cooperate with any such corporation, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to authorize any county, municipality or other political subdivision, agency or instrumentality of the state or any county or municipality to enter into contracts, for a term not exceeding thirty (30) years; providing for the delivery to the corporation of pollutants and payments by such entity to the corporation; to provide that such entity may be required to make payments to such corporation with respect to such disposal and treatment of pollutants even though such corporation is at the time such payment is to be made unable to effect such treatment and disposal or such entity is at the time such payment is to be made unable to deliver such pollutants; to provide that to the extent that such contracts recite that the amounts payable thereunder shall be payable annually out of the general operating funds of such entity then such contracts shall not constitute a debt of any county, municipality or political subdivision, agency or instrumentality; to provide that any such corporation shall be a not-for-profit corporation; to provide that any such corporation may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes or other obligations by such corporation, and to provide that any action or proceeding questioning the validity of any such bonds, notes or other obligations or instruments securing the same must be commenced within thirty (30) days after the first publication of said notice; to provide for the dissolution of any such corporation and for the vesting of title to its properties; and to provide that the provisions of this act shall be severable.

and pending Little substitute, which said substitute is set out in the Journal of the Senate for the Eighteenth Legislative Day, was taken up.

MOTIONS IN WRITING

Senator Bailey offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 558, on page 122 of the Nineteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 558, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Bailey then offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 554, on page 120 of the Nineteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 554, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Denton offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 346, on page 96 of the Nineteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 346, referred to the Standing Committee on Rules for placement on the Consent Calendar.

FURTHER CONSIDERATION OF S. B. 426

The Senate proceeded to further consideration of the Bill, S. B. 426. The question was on the substitute offered by Senator Little.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 210. COMMENDING THE ENTERPRISE HIGH SCHOOL "WILDCAT" BAND.

Also:

H. J. R. 211. COMMENDING THE ELBA HIGH SCHOOL "MARCHING TIGER" BAND.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 431. To amend Section 2-15-133 which requires licensed livestock dealers to be covered by a bond or bond equivalent in amounts equal to purchases of livestock but in no amount less than \$10,000; to require the filing of verified financial statements; to require full payment of livestock not later than the close of the next business day; to exempt livestock dealers from the requirements of a bond or bond equivalent if they pay for livestock with United States currency, money orders or certified or cashier's checks at the time of purchase.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 379. To require city and county boards of education, the State Board of Education, the Department of Youth Services, the Alabama Institute for Deaf & Blind and the governing boards of Alabama's public senior universities to provide vehicle liability insurance to cover personal liabilities of moving vehicle accidents for bus drivers or any employee required to transport pupils.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

BILL RE-REFERRED

Senator Mitchem moved that the Bill, H. B. 670, be removed from the Calendar and re-referred to the Standing Committee on Finance and Taxation, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 670, re-referred to the Standing Committee on Finance and Taxation.

FURTHER CONSIDERATION OF S. B. 426

The Senate proceeded to further consideration of the Bill, S. B. 426. The question was on the substitute offered by Senator Little.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Grayson (With Notice and Proof):

H. 700. To authorize Madison County, Alabama, to provide for the forfeiture of devices and weapons used in the commission or attempted commission of any crime against a person; to provide for the forfeiture of devices or weapons upon the conviction of a person of the crime of carrying a concealed weapon; to provide for the forfeiture of any device or weapon denominated as unlawful under the laws of the state or which is found on or about the person of any person who is prohibited by law from carrying or possessing said device or weapon; and to provide for the forfeiture of any device or weapon which is abandoned or otherwise found and the lawful owner cannot be located; and to exempt motor vehicles from the provisions of the act. To further provide for the disposition of said devices or weapons by the District Attorney by means of destruction, sale, or use for historical, instructional, or law enforcement upon court order and to exempt devices or weapons which are found to be stolen or otherwise wrongfully possessed and the lawful owner is located.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 700, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Butler, Albright, Grayson, Brooks, and Hettinger (With Notice and Proof):

H. 730. Relating to Madison County; providing for a uniform and clothing allowance for deputies and other members of the Sheriff's force and repealing Act Number 920 of the 1973 Alabama Legislature.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 730, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 700 and 730. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Black (With Notice and Proof):

H. 694. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Geiger in Sumter County.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 694, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Carothers, Mathis, and Grimsley (With Notice and Proof):

H. 734. Relating to Houston County; to establish a civil service system for Houston County; to provide a policy for the administration of this act; to divide positions in the county into classified and exempt services, and to provide for changes between such services; to provide a status for present employees; to provide personnel rules and personnel plans for Houston County; to provide that the first members of the personnel board shall be members of the existing personnel appeals board created pursuant to Act No. 2262, S. 1234, Regular Session 1971 (Acts 1971, p. 3643), and continued under Act 1049, S. 886, 1973 Regular Session (Acts 1973, p. 1663), and to provide for their successors in office; to provide for the adoption, amendment and repeal of rules, regulations, determinations, job classification plans, pay plans, and mandatory and/or permissive retirement plans to effectuate the purposes of this act; to provide for the employment of persons with competitive examination; to provide for temporary appointments and the manner in which and the extent to which they shall be made permanent; to provide for the establishment of lists of persons eligible for employment and to establish the manner in which such lists shall be used; to establish a period of probation for certain county employees; to provide for rules governing working hours and leaves of absence; to provide for the laying off of employees; to establish the manner in which employees may be disciplined and to provide a procedure under which certain employees may protest such disciplinary action; to give the personnel board the authority to require the attendance of witnesses and the production of documents at such proceedings and to establish penalties for failure to attend or produce records as required to provide for an appeal from decisions of such board in such protests; to require such board to maintain certain records; to prohibit and fix the punishment for certain political activity by certain employees of the county; to provide for the expenses of such board; to guarantee certain rights to the governing body of Houston County; and to repeal Act No. 1049, S. 886, 1973 Regular Session (Acts 1973, p. 1663).

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 734, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Mathis and Grimsley (With Notice and Proof):

H. 720. Relating to law enforcement in Houston County; to amend Sections I, II and III of Act No. 671, 1967 Regular Session (Acts 1967, p. 1495), relating to the issuance of pistol permits in Houston County, so as to provide further for permit fees, distribution of such fees and issuance of such permits.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 720, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Carter and Clark (D) (With Notice and Proof):

H. 746. Relating to Limestone County; to provide for appointment of a county license commissioner by the county commission in lieu of the county license commission authorized by Act No. 746, H. 757 of the 1978 Regular Session (Acts 1978, p. 1089); to prescribe the duties, compensation and term of such commissioner; to abolish the office of county license inspector and transfer such duties to the newly appointed license commissioner; to provide that such commissioner shall perform certain duties heretofore performed by the tax assessor, tax collector and judge of probate; to prescribe certain fees, charges and commissions to be collected by such commissioner and provide for disposition of the proceeds thereof; to provide for certain reports relating to such collections and to prescribe certain penalties for violations relating to licenses.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 746, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Carter and Clark (D) (With Notice and Proof):

H. 747. Relating to Limestone County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes, under the supervision of an elected county official designated as the county revenue commissioner; abolishing the offices of tax assessor and tax collector in said county; prescribing the duties and compensation of such commissioner and providing for referendum approval of such consolidation.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 747, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Carter and Clark (D) (With Notice and Proof):

H. 748. Relating to Limestone County; providing that any unencumbered portion of the proceeds of any special county tax levied pursuant to Amendment 125, Constitution of Alabama 1901, can be used, in addition to all other authorized purposes, to defray the expense of indigent health care, to pay obligations of Limestone County pursuant to the Alabama Health Care Responsibility Act, Sections 22-21-290 through 22-21-297, Code of Alabama 1975, relating to county responsibility and indigent health care, or otherwise to fund indigent health care for Limestone County.

I hereby certify that the Notice & Proof is attached to the Bill,

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H. B. 748, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Carter and Clark (D) (With Notice and Proof):

H. 749. To authorize the Limestone County Commission to provide forest and other acreage protection within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forestlands and other acreage protected by the Alabama Forestry Commission in the county and to prescribe the procedure for levying and collecting such assessments.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 749, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Carter and Clark (D) (With Notice and Proof):

H. 750. Relating to Limestone County; authorizing the Limestone County Board of Health to annually fix a schedule of fees for services rendered pursuant to the duties with which the board is charged; to provide for the annual examination and approval of such fee schedules by the county commission; to authorize the exemption of certain persons from paying said fees; to authorize the county board of health to promulgate rules and regulations proper for the administration of this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 750, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Holley (With Notice and Proof):

H. 770. To approve the proposal of the City Council of the City of Enterprise in Coffee County to increase the rate at which ad valorem tax is levied in such city pursuant to Amendment No. 373 to the Constitution of Alabama of 1901.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 770, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Holley (With Notice and Proof):

H. 772. Relating to Coffee County; abolishing the position of county license inspector; placing the powers, duties and functions of said office in the sheriff of said county at the end of the current term or when a vacancy occurs in the office; providing for the disposition of fees accruing from the performance of the duties of license inspector and repealing conflicting laws.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 772, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Holley (With Notice and Proof):

H. 774. Relating to Coffee County; providing further for the compensation of the sheriff.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 774, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Holley (With Notice and Proof):

H. 775. Relating to Coffee County; providing for an expense allowance payable from the general fund of the county treasury for the probate judge; and providing further for the compensation of such official.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 775, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Turner (With Notice and Proof):

H. 755. Relating to Mobile County; providing for the salary of the License Commissioner of Mobile County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 755, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Turner (With Notice and Proof):

H. 756. To amend the Civil Service Act (Local Act No. 470, Approved September 15, 1939, Local Acts of Alabama, Page 298) so as to provide that the employees of the Utilities Board of the Town of Citronelle may voluntarily withdraw themselves and the Utilities Board from the county-wide civil service system of Mobile County, Alabama, and to provide for an election and the procedure for the election to determine whether the Utilities Board shall be subject to the county-wide civil service system of Mobile County, Alabama and to provide the employees the authority and procedure to vote in subsequent elections on the same issues.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 756, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Hettinger, Hall, Albright, Butler, and Brooks (With Notice and Proof):

H. 713. Relating to Madison County; to exempt from all county and local ad valorem taxes all property owned and used by the Mayfair Towers Corporation, a Huntsville, Alabama, corporation.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 713, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 694, 734, 720, 746, 747, 748, 749, 750, 770, 772, 774, 775, and 713. To the Committee on Local Legislation No. 1.

H. B.'s 755 and 756. To the Committee on Local Legislation No. 3.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Turner:

H. J. R. 254. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby requested that the Revenue Department allow any Shrine organization within the State of Alabama that owes back sales or use taxes to be allowed to pay such debt off at the rate of \$10.00 a month until the debt is completed.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 254, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Turner and Rains:

H. J. R. 261. CREATING A JOINT INTERIM COMMITTEE TO STUDY EDUCATION FOR DEAF AND BLIND.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to study the operation of all facets of educational opportunities, facilities, institutions, and needs therefor, for the deaf and blind in this state.

Such committee shall be composed of three members of the House of Representatives, to be appointed by the Speaker of the House, and three members of the Senate, to be appointed by the President of the Senate, and

three non-legislative lay members appointed by the Governor. The committee shall elect a chairman from among its membership and shall set their own rules of procedure for the conduct of their affairs. The initial meeting of the committee shall be held within 20 days after its formation.

The members of the committee shall be entitled to their regular pay and per diem expenses, including mileage, for each day in which they are engaged in committee work. Such pay and expenses shall be paid out of any available funds appropriated for use of the legislature. Provided, that the total expenditures of the committee shall not exceed \$5,000.

The committee shall report its findings, recommendations and suggested legislation, if any, to the legislature by the fifth legislative day of the Regular Session of 1985, whereupon it shall be discharged of any further duties and shall be dissolved.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 261, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. Gaston and Kvalheim:

H. J. R. 258. COMMENDING REGINA STANFORD FOR OUTSTANDING ACHIEVEMENT.

Also:

By Rep. Gaston:

H. J. R. 259. COMMENDING MISS PAIGE FERNIE REYNOLDS OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 258 and 259, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF S. B. 426

The Senate proceeded to further consideration of the Bill, S. B. 426. The question was on the substitute offered by Senator Little.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 161. DESIGNATING THE WEEK OF JUNE 3RD THROUGH 9TH, 1984, AS "ALABAMA RECYCLING WEEK".

Also:

H. J. R. 183. RECOGNIZING THE ALABAMA DEEP SEA FISHING RODEO AS A SPORTS EVENT OF NATIONAL PROMINENCE.

Also:

H. J. R. 197. WISHING MRS. MARY HOLLEY A SPEEDY RECOVERY.

Also:

H. J. R. 206. COMMENDING MR. JAMES P. HOMER FOR OUTSTANDING CONTRIBUTIONS TO LIVINGSTON UNIVERSITY.

Also:

H. J. R. 207. COMMENDING MISS TERESA LYNN CHAPPELL OF STERRETT, ALABAMA, MISS ALABAMA USA TEEN.

Also:

H. J. R. 208. COMMENDING MISS HEATHER BRYANT OF COOSADA, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 209. COMMENDING JOHN SHAW HIGH SCHOOL, MOBILE, ALABAMA, ON THE 20TH ANNIVERSARY OF ITS FOUNDING.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF S. B. 426

The Senate proceeded to further consideration of the Bill, S. B. 426. The question was on the substitute offered by Senator Little.

And said substitute was then adopted.

Yeas 21; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Menton
Aldridge	Denton	Hand	Parsons
Amari	Dixon	Holmes	Sanders
Bailey	Drinkard	Langford	Strong
Bedsole	Ellis	Little	Teague
Bennett	Foshee		

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Nays:

—0

Senator Little moved that further consideration of the Bill, S. B. 426,

as amended, be postponed until the Twenty-First Legislative Day, and that on this day, one hour after the Senate convenes, the third reading of the Bill, S. B. 426, as amended, be put, which motion was adopted.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills, respectively, and finds same correctly engrossed, to-wit:

S. 184. To amend Section 12-14-5, Code of Alabama 1975, which Section relates to the bail of persons charged with violations of municipal ordinances and to amend Section 12-14-70, Code of Alabama 1975, as amended, which Section relates to appeals to the circuit court from judgments of municipal courts; to establish an effective date.

Also:

S. 185. To amend Sections 12-19-90, 7-9-403, 7-9-404, 7-9-405, 7-9-406, 7-9-407, 9-11-37, 9-11-47, 9-11-55, 9-11-56, 33-5-10, 33-5-17, 40-12-2, 40-12-15 and 40-12-22, Code of Alabama, 1975, as amended, which relate to the fees and charges for services rendered in the probate offices of this state, so as to provide further for the fees and charges for services rendered in such offices.

Also:

S. 283. Relating to prescription drugs which are not controlled substances, to prohibit the sale of such drugs and prescribing penalties therefor.

CHARLES BISHOP,
Chairperson.

UNFINISHED BUSINESS BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the second item of Unfinished Business for today, which was the Bill:

S. 113. To provide that local city and county boards of education, boards of trustees of colleges and universities and governing boards of other public supported education institutions shall provide certain leave options for tenured employees who serve in the Alabama legislature.

as amended by the substitute, as amended, which said substitute and amendment are set out in the Journal of the Senate for the Eighteenth Legislative Day.

And said Bill, S. B. 113, as amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 23; Nays 0.

Abstaining 1.

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Yeas:

Senators:	Bennett	Dixon	Langford
Aldridge	Bishop	Drinkard	Little
Amari	Cooley	Foshee	Mitchem
Bailey	Corbett	Goodwin	Parsons
Barron	deGraffenried	Hand	Sanders
Bedsole	Denton	Holmes	Smith (J)

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Nays: —0

Abstaining: Senator Strong —1

MOTION TO ADJOURN

At 5:35 P.M., Senator Bishop moved that when the Senate adjourns today, it adjourn to meet again on Wednesday, April 18, 1984, at 12:01 A.M., which motion was adopted.

MOTION IN WRITING

On motion of Senator Amari, the Rules were suspended, and he was granted permission to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 538, on page 108 of the Nineteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 538, referred to the Standing Committee on Rules for placement on the Consent Calendar.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 181. To amend Section 8-17-87, Code of Alabama, 1975, to provide that the inspection fee on gasoline be increased to \$.02 per gallon and the inspection fee on diesel fuel be increased to \$.02 per gallon. To amend Section 8-17-91, Code of Alabama, 1975, as amended, to provide for distribution of permit fees, inspection fees, penalties; refund of overpayments and to provide for appropriation of funds.

Senator Corbett offered the following amendment to the Bill, H. B. 181, to-wit:

AMENDMENT TO H. B. 181

On page 1, on line 17, before the period, insert:

in certain instances.

On page 1, on line 30, after the word "gallon." insert:

Provided however, the area within 30 miles of any state line dividing a neighboring state shall have a rate of one-fortieth of \$.01 per gallon.

On page 1, on line 33, after the word "gallon." insert:

Provided however, the area within 30 miles of any state line dividing a neighboring state shall have a rate of \$.01 per gallon.

MOTION IN WRITING

Senator Bennett offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 93, on page 115 of the Nineteenth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 93, referred to the Standing Committee on Rules for placement on the Consent Calendar.

FURTHER CONSIDERATION OF H. B. 181

The Senate proceeded to further consideration of the Bill, H. B. 181. The question was on the amendment offered by Senator Corbett.

On motion of Senator Goodwin, said amendment was laid on the table.

Senator Corbett then offered the following amendment No. 2 to the Bill, H. B. 181, to-wit:

AMENDMENT TO H. B. 181

On page 1, on line 17, before the period, insert:

in certain instances.

On page 1, on line 30, after the word "gallon." insert:

Provided however, the area within 15 miles of any state line dividing a neighboring state shall have a rate of one-fortieth of \$.01 per gallon. The area which is at least 15 miles and not more than 30 miles from any state line dividing a neighboring state shall have a rate of \$.01 per gallon.

On page 1, on line 33, after the word "gallon." insert:

Provided however, the area within 15 miles of any state line dividing a neighboring state shall have a rate of \$.01 per gallon.

On motion of Senator Goodwin, said amendment was laid on the table.

Senator Little offered the following substitute for the Bill, H. B. 181, to-wit:

SUBSTITUTE FOR H. B. 181**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 8-17-87, Code of Alabama 1975, to provide that the inspection fee on gasoline be increased to one-eighth of \$.01 per gallon and the inspection fee on certain diesel fuel and kerosene to be increased to \$.01 per gallon and to amend Section 8-17-91, Code of Alabama 1975, as amended to provide further for distribution of permit fees, inspection fees, penalties; refund of overpayments and to provide for appropriation of funds.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 8-17-87 and 8-17-91, Code of Alabama 1975, are hereby amended to read as follows:

"§ 8-17-87. (a) An inspection fee is hereby imposed and shall be col-

lected in respect of petroleum products sold, offered for sale, stored or used in the state, the said fee to be measured by the number of gallons and to be at the following rates:

“(1) Gasoline, ~~one-fortieth~~ one-eighth of \$.01 per gallon.

“(2) Diesel fuel other than that referred to in subdivisions (1) (5), (a) (6), (a) (7), (a) (8) and (a) (9) of this section, \$.01 per gallon.

“(3) Kerosene other than that referred to in subdivisions (a) (5), (a) (6), (a) (7), and (a) (9) of this section, \$.01 per gallon.

“(4) Lubricating oil, \$.15 per gallon.

“(5) Kerosene or diesel fuel that is of the types customarily used as, and that is intended to be used only as, fuel to propel jet aircraft, ~~one-fortieth-of~~ \$.01 per gallon.

“(6) Kerosene or diesel fuel that is used by the ultimate consumer thereof as motor fuel to operate boats, yachts, ships or other maritime vehicles, whether such boats, yachts, ships or other maritime vehicles are used commercially or for pleasure, ~~one-fortieth-of~~ \$.01 per gallon.

“(7) Kerosene or diesel fuel used by the ultimate consumer thereof to propel or operate tractors which are not operated on public highways but which are used exclusively in preparing and cultivating land, harvesting any agricultural commodity or for other agricultural purposes, including pasture and hay production; provided, however, that the term ‘tractors’ as used herein shall not include automobiles, trucks, pickups, trailers, semitrailers or other such vehicles, one fortieth of \$.01 per gallon.

“(8) Diesel fuel that is of the types customarily used as, and that is intended to be used as, only fuel to propel railroad locomotives, one fortieth of \$.01 per gallon. Diesel fuel of the types referred to in this subdivision shall be inspected in a manner determined and prescribed by the commissioner of agriculture and industries.

“(9) Kerosene or diesel fuel used by the ultimate consumer thereof as a solvent or other agent in the treatment or preservation of wood products, one fortieth of \$.01 per gallon.

“(b) It shall be the duty of the person first selling, storing or using any petroleum product in the state to pay such inspection fee. The inspection fee shall be paid to the commissioner of agriculture and industries on or before the twentieth day of each month in respect of all petroleum products sold, stored or used in the state during the preceding month. Each remittance shall be accompanied by a certificate stating that the amount remitted is correct and that the petroleum products so sold, stored or used are of standard not less than the minimum specified for that petroleum product in the standards prescribed by the board pursuant to section 8-17-81.

“(c) If, at the time the inspection fee is due, the person liable therefor is unable to ascertain the correct amount of such inspection fee because the use to be made of any diesel fuel or kerosene with respect to which the inspection fee is then due has not been or cannot be ascertained at such time, then such person shall pay to the commissioner of agriculture and industries as the inspection fee payable with respect to such diesel fuel and kerosene, \$.01 for each gallon of such diesel fuel and each gallon of such kerosene.

“(d) Upon furnishing proof satisfactory to the commissioner of agriculture and industries that all or any portion of such diesel fuel or kerosene

with respect to which an inspection fee at the rate of \$.01 per gallon has been paid or has been or will be used for a purpose or purposes specified in subdivisions (a) (3), (a) (6), (a) (7), (a) (8) and (a) (9), then such person shall be entitled to a credit against the amount of inspection fee becoming due from such person on the twentieth day of the then next following calendar month, such credit to be in an amount equal to thirty-nine fortieths of \$.01 for each gallon of kerosene or diesel fuel proved to have been used or to be used for such specified purpose or purposes; provided, that should the credit to which a person is entitled hereunder exceed the amount of the inspection fee becoming due from such person on the twentieth day of the then next following calendar month, then the excess of the credit over the amount of the inspection fee becoming due shall be refunded to such person or, at such person's election, credited against the amount of any inspection fees subsequently becoming due from such person.

"(e) The board of agriculture and industries shall have authority to promulgate rules and regulations with respect to the form and content of the proof of use which must be supplied by a person seeking such a credit or refund and with respect to the procedure to be followed in applying for such a credit or refund.

"(f) The inspection fee provided for in this section shall be paid but once with respect to the same product; but in the event any person fails to make payment as herein provided on or before the date such payment is due, the commissioner of agriculture and industries shall add to the inspection fee already due an amount equal to 10 percent thereof as a penalty for the failure of such person to make such report and payment upon the date provided in this section and shall proceed to collect such inspection fee, together with all costs incident to such collection, including the penalty.

"(g) The inspection fee and any penalty added thereto shall constitute and operate as a lien at all times until paid upon any petroleum products sold, offered for sale, stored or used in the state by the person liable for the fee, and shall be immediately enforceable by the commissioner of agriculture and industries when due in the same manner as are tax liens upon personal property of a delinquent taxpayer.

"(h) The inspection fee provided for in this section is in addition to all other fees and all taxes payable with respect to petroleum products.

"(i) Notwithstanding anything to the contrary in this section, no inspection fee or penalty shall be due or payable with respect to petroleum products which are sold, offered for sale, stored or used while they are in interstate or international commerce; but if, after such petroleum products are removed from interstate or international commerce, such petroleum products are sold, offered for sale, stored or used in the state, the fee provided for in this section shall be payable with respect to such petroleum products.

"(j) The board of agriculture and industries shall have authority to adopt and promulgate reasonable rules and regulations to effectuate the evident intent and purpose of this section with respect to reporting, collection, remittance and payments of the petroleum products inspection fees imposed under this section which shall not conflict with any of the express provisions and requirements of this section.

"§ 8-17-91. (a) The proceeds from the permit fees, inspection fees and penalties, if any, collected by the commissioner of agriculture and industries

pursuant to the provisions of this division shall be paid into the state treasury and distributed as follows:

“(1) Ten percent of the proceeds or no less more than \$55,000.00 \$75,000.00, whichever is greater, of such proceeds received each month shall accrue to the credit of, and be deposited in, the agricultural fund; and

“(2) The balance or residue of the said proceeds collected each month shall accrue to the credit of, and be deposited in, the public road and bridge fund of the state highway department.

“(b) In the event of the collection hereunder from any person of an amount in excess of the amount of all permit fees, inspection fees or penalties properly and lawfully required to be paid by such person, such person may apply to the commissioner of agriculture and industries for a refund of the amount of such overpayment. If such application for refund is approved in whole or in part by the commissioner, the commissioner shall submit to the state comptroller a statement, approved by the state attorney general, setting forth the amount determined to have been overpaid and the date of the overpayment. The state comptroller shall then draw his warrant in favor of the person making such overpayment upon the state treasurer for the amount specified in the said statement, and such amount shall be charged to, and paid out of, the public road and bridge fund, paid out of current monthly collections before any distribution is made under subsection (a) of this section.

“(c) The application for refund provided for in this section must be filed with the commissioner of agriculture and industries within 12 calendar months from the date upon which the overpayment was made, and no amount shall be refunded unless the application therefor is filed within the time prescribed herein.

“(d) The department of agriculture and industries shall have authority to make and issue rules and regulations relating to the procedure to be followed in filing an application for a refund and for payment of any refund made under this section.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator Goodwin, said substitute was laid on the table.

Yeas 18; Nays 10.

Yeas:

Senators:	Cooley	Foshee	Sanders
Bailey	Covington	Goodwin	Smith (B)
Barron	Denton	Langford	Strong
Bennett	Drinkard	Menton	Teague
Bishop	Ellis	Parsons	

—18

Nays:

Senators:	Corbett	Dixon	Mitchem
Aldridge	deGraffenried	Holmes	Smith (J)
Bedsole	Dial	Little	

—10

Senator Little then offered the following amendment to the Bill, H. B. 181, to-wit:

AMENDMENT TO H. B. 181

Amend H. B. 181 on Page 1, line 32, by striking out the figure "\$.02" and insert in lieu thereof the figure "\$.01".

Further amend H. B. 181, on Page 2, line 37 by striking out the figure "\$.02" and insert in lieu thereof the figure "\$.01".

Further amend H. B. 181 on Page 3, line 5, by striking out the figure and word "\$.02 or".

On motion of Senator Goodwin, said amendment was laid on the table.

Yeas 17; Nays 10.

Yeas:

Senators:	Cooley	Goodwin	Menton
Aldridge	Covington	Hand	Sanders
Bailey	Denton	Holmes	Strong
Barron	Drinkard	Langford	Teague
Bennett	Foshee		

—17

Nays:

Senators:	Corbett	Dixon	Mitchem
Bedsole	deGraffenried	Ellis	Smith (J)
Bishop	Dial	Little	

—10

Senator Little then offered the following amendment No. 2, to the Bill, H. B. 181, to-wit:

AMENDMENT TO H. B. 181

Amend H. B. 181 by striking out Section 2 (a)(2) in its entirety which begins on Page 4 and insert in lieu thereof this new Section 2 (a)(2) to read as follows:

"(2) The balance or residue of the said proceeds collected each month shall accrue to the credit of, and be deposited in, the public road and bridge fund of the State Highway Department."

Further amend H. B. 181 by striking out on Page 8, lines 8 through 10, and insert in lieu thereof the following:

"statement, and such amount shall be charged to, and be paid out of, the public road and bridge fund."

On motion of Senator Goodwin, said amendment was laid on the table.

Yeas 23; Nays 5.

Yeas:

Senators:	Cooley	Ellis	Mitchem
Aldridge	Covington	Foshee	Parsons
Amari	deGraffenried	Goodwin	Sanders
Barron	Denton	Hand	Smith (J)
Bennett	Dial	Langford	Strong
Bishop	Drinkard	Menton	Teague

—23

Nays:

Senators:	Bedsole	Holmes	Little
Bailey	Dixon		

—5

REGULAR SESSION
19th Day

999

Senator Little moved that further consideration of the Bill, H. B. 181, be postponed until the Twenty-Second Legislative Day.

On motion of Senator Goodwin, said motion to postpone was laid on the table.

And said Bill, H. B. 181, was read a third time at length and passed.
Yeas 18; Nays 12.

Yeas:

Senators:	Cooley	Goodwin	Sanders
Amari	Covington	Holmes	Smith (B)
Bailey	Denton	Langford	Strong
Barron	Drinkard	Menton	Teague
Bennett	Foshee	Parsons	

—18

Nays:

Senators:	Corbett	Dixon	Little
Aldridge	deGraffenried	Ellis	Mitchem
Bedsole	Dial	Hand	Smith (J)
Bishop			

—12

Senator Goodwin moved that the Senate reconsider the vote by which the Bill, H. B. 181, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

BILLS ON THIRD READING RESUMED

The Bill:

H. 182. To amend Sections 40-12-248, 40-12-269 and 40-12-270, Code of Alabama, 1975, as amended, which relate to license taxes and registration fees on trucks and truck tractors so as to further provide for the collection, amount and distribution of such license taxes and registration fees.
was taken up.

Senator Bailey moved that further consideration of the Bill, H. B. 182, be postponed until the Twentieth Legislative Day subject to the call of the Chair.

On motion of Senator Goodwin, said motion to postpone was laid on the table.

And said Bill, H. B. 182, was read a third time at length and passed.
Yeas 19; Nays 11.

Yeas:

Senators:	Cooley	Ellis	Menton
Aldridge	Covington	Foshee	Parsons
Amari	Denton	Goodwin	Sanders
Barron	Dixon	Hand	Smith (B)
Bennett	Drinkard	Langford	Teague

—19

Nays:

Senators:	Bishop	Dial	Mitchem
Bailey	Corbett	Holmes	Smith (J)
Bedsole	deGraffenried	Little	Strong

—11

Senator Goodwin moved that the Senate reconsider the vote by which the Bill, H. B. 182, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

H. 183. To authorize the county commissions of the several counties of this state to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in such counties not to exceed two cents (2 cents) per gallon; to provide for the collection and payment of such taxes and to provide the distribution and the use of the funds derived therefrom; to authorize the county commissions of such counties to make reasonable rules and regulations for the collection of such taxes, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the county commissions of such counties for the collection of said taxes and to provide for countywide referendums.

was taken up.

MOTION RECONSIDERED

On motion of Senator deGraffenried the Senate reconsidered the vote by which the motion to adjourn until Wednesday, April 18, 1984, at 12:01 A.M., was adopted.

On motion of Senator deGraffenried, the motion to adjourn until Wednesday, April 18, 1984, at 12:01 A.M., was laid on the table.

FURTHER CONSIDERATION OF H. B. 183

The Senate proceeded to further consideration of the Bill, H. B. 183.

ADJOURNMENT

At 11:20 P.M., on motion of Senator deGraffenried, and pending further consideration of the Bills, H. B. 183 and S. B. 426, the Senate adjourned until Thursday, April 19, 1984, at 10 o'clock A.M.

TWENTIETH LEGISLATIVE DAY**THURSDAY, APRIL 19, 1984**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by the Reverend Walter Robinson, Minister, Pierce Chapel United Methodist Church, Eclectic, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Lisa Phifer, Robert E. Lee High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Cabaniss	Ellis	Menton	
Aldridge	Cooley	Figures	Mitchem	
Amari	Corbett	Foshee	Parsons	
Bailey	Covington	Goodwin	Pearson	
Barron	deGraffenried	Hand	Sanders	
Bedford	Denton	Hillard	Smith (B)	
Bedsole	Dial	Holmes	Smith (J)	
Bennett	Dixon	Langford	Strong	
Bishop	Drinkard	Little	Teague	—35

JOURNAL

On motion of Senator deGraffenried, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Nineteenth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Nineteenth Legislative Day was approved by the Senate.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Goodwin:

S. 585. To make supplemental appropriations from the Public Road

and Bridge Fund to the State Highway Department for the fiscal year ending September 30, 1984.

Committee on Finance and Taxation.

By Senator Holmes:

S. 586. To require notice to a parent prior to performing an abortion on an unemancipated minor who is less than seventeen years eight months to the extent constitutionally permissible; to provide for the enforcement of this Act; and to prescribe penalties for violations.

Committee on Judiciary.

By Senator Holmes (With Notice and Proof):

S. 587. Relating to Calhoun County; establishing a branch of the license commissioner's office in the City of Piedmont.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 587, as required in the General Acts of Alabama, 1975 Act. No. 919.

McDOWELL LEE,
Secretary.

By Senator Barron:

S. 588. To amend Sections 34-1-3, 34-1-4, and 34-1-8, Code of Alabama, 1975, which regulate the practice of public accounting, so as to further regulate said practice.

Committee on Judiciary.

By Senator Cooley:

S. 589. To require disclosure of the charges for goods and services provided to hospital inpatients; to require hospitals to disclose to the public the inpatient charges of the hospital and its affiliates by diagnostic-related group; to require hospitals to accept such published charges on behalf of themselves and their affiliates as full payment for goods and services in treatment of cases within such diagnostic-related groups; to require 30 day advance notice with respect to increases in such charges and prohibit increases more frequently than quarterly; to provide for penalties for, and injunctive relief against, violation of the provisions of the Act; to provide for the repeal or modification of laws and parts of laws in conflict with the Act; and to provide for the severability of the provisions of the Act.

Committee on Health and Welfare.

By Senator Mitchem:

S. 590. To amend Sections 2-15-131 and 2-15-133, Code of Alabama 1975, relating to the Livestock Dealers' Financial Responsibility Act. so as to include catfish in the definition of livestock and to provide when payment of purchase of catfish is to be made by the dealer.

Committee on Agriculture,
Conservation, and Forestry.

By Senator Denton:

S. 591. To provide further for retirement benefits to employees of certain public hospitals and related facilities; to authorize the county governing

body at its option, to provide for a cost-of-living increase in the retirement benefits of retirees of any public hospital or related facility, which public hospital or related facility heretofore existed in the county, but is now defunct, dissolved, transferred, reincorporated or consolidated, with another public or quasi-public organization; and to provide for the funding of the increase authorized in this act.

Committee on Governmental Affairs.

By Senators Holmes, Goodwin, deGraffenried, and Foshee:

S. 592. To amend Section 40-20-2, Code of Alabama 1975, so as to provide certain exemptions for occluded natural gas produced from coal seams and to provide for an expiration date.

Committee on Small Business.

By Senators Corbett, Bedford, Holmes, Dixon, Dial, Bailey, Strong, and Menton:

S. 593. To prohibit the operation or the allowance of the operation of a motor or engine propelled vessel on the waters of this state while the said operator of said vessel is under the influence of alcohol and/or drugs; to provide penalties for the violation thereof; to provide for consent to and administration of certain chemical tests pursuant to certain lawful arrests; to provide for the admissibility of the results of certain chemical tests; and to amend Section 33-5-24, Code of Alabama 1975, relating to operation of vessels, so as to eliminate the applicability of paragraph (b) thereof to operating motor or engine propelled vessels while intoxicated or under the influence of certain drugs.

Committee on Judiciary.

By Senator Dixon:

S. 594. To amend Section 36-27-16 of the Code of Alabama 1975, relating to retirement allowances under the employees' retirement system so as to provide further for such allowances.

Committee on Governmental Affairs.

By Senator Bennett:

S. 595. To authorize the governing boards of all counties, cities, towns and public or quasi-public organizations of the state or any political subdivision thereof to elect to provide an increase in retirement benefits for certain of its retirees who participate in the state employees' retirement system; to regulate the amount of such increases, and to provide for the administration of the benefits provided by this act by the board of control of the employees' retirement system of Alabama.

Committee on Aging.

By Senator Hilliard:

S. 596. To direct the Department of Education and the Department of Public Safety to create an alcohol and drug abuse program, to direct that said program shall be taught in certain public schools and colleges, to create a trust fund, to assess an additional levy on motor vehicle licenses to fund said program, and to make completion of said program a requirement to obtain certain driver licenses.

Committee on Student and Youth
Activities.

By Senator Drinkard (With Notice and Proof):

S. 597. Relating to St. Clair County; to provide further for the election of the members of the county board of education and the superintendent of education.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 597, as required in the General Acts of Alabama, 1975 Act. No. 919.

McDOWELL LEE,
Secretary.

By Senator Figures:

S. 598. To amend Section 12-18-60, Code of Alabama 1975, relating to benefits payable to spouses upon the death of District Judges.

Committee on Finance and Taxation.

By Senator Menton:

S. 599. To provide that certain legislative employees shall be eligible to participate as members in the state employees' retirement system of Alabama and in the state employees' health insurance plan; to provide the eligibility of such employees and contributions required from the employee and employer; to permit certain such legislative employees to purchase certain prior creditable service on a pro rata basis for the retirement system and the terms therefor.

Committee on Finance and Taxation.

By Senator Little:

S. 600. To provide that certain state-owned motor vehicles shall bear a license plate or tag which has state designation or prefix on such plate or tag.

Committee on Governmental Affairs.

By Senators Goodwin and Ellis (With Notice and Proof):

S. 601. Relating to Bibb County; to amend Act No. 780, H. 1706, Regular Session 1973 (Acts 1973, p. 1195), which act provides for compensation of the sheriff, appointment of deputies, secretaries and jailors, so as to further provide for the salaries of certain members of the sheriff's staff.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 601, as required in the General Acts of Alabama, 1975 Act. No. 919.

McDOWELL LEE,
Secretary.

By Senator Drinkard (With Notice and Proof):

S. 602. Relating to Etowah County; to provide further for the election of the members of the county board of education.

Committee on Local Legislation No. 1.

REGULAR SESSION
20th Day

1005

I hereby certify that the notice and proof is attached to the Bill, S. B. 602, as required in the General Acts of Alabama, 1975 Act. No. 919.

McDOWELL LEE,
Secretary.

By Senator Sanders (With Notice and Proof):

S. 603. To further provide for the Greene County Racing Commission; to amend Act No. 376, H. 1040, of the 1975 Regular Session (Acts 1975, p. 926) as amended, relating to the Greene County Racing Commission, its creation, composition, appointment and terms of office, and compensation so as to provide that the Greene County Legislative delegation shall make such appointments and further to increase the composition of the Racing Commission from three to five members and decrease the term of office; to provide for the investment of monies deposited to the credit of the Racing Commission; to provide for the appointment of a Legislative Liaison and compensation; to provide for the distribution of license fees, taxes, commissions, and other monies received under the provisions of the act; to provide a source of funding for the retirement of debt service for a new Greene County courthouse and jail; and to repeal conflicting laws.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 603, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Sanders (With Notice and Proof):

S. 604. Relating to Sumter County, levying an additional fee on all hazardous and non-hazardous waste stored, deposited or dumped at a disposal site presently known as Chemical Waste Management, Inc., near Emelle, Sumter County, Alabama; providing for the collecting of said fee; providing for the organizing of Sumter County monitoring commission, and specifically repealing Sections 8 and 9 of Act No. 82-480, H. 669, Regular Session 1982 (Acts 1982, p. 672), which act relates to another local law for Sumter County levying a fee for similar waste disposal.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 604, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senators Covington, Foshee, and Hand:

S. 605. To provide methods and procedures to be used for boll weevil eradication in cotton; to provide definitions; to allow entering into cooperative agreements; to allow inspections of premises; to require reports; to allow the establishments of quarantines and elimination zones and to provide for treatment of cotton in elimination zones to include destruction; to allow adoption of rules and regulations and penalties for their violation; to provide for certification of a cotton growers organization and for a referendum to be conducted by said organization; to provide for assessments to be paid

by growers and penalties for failure to pay assessments; to provide for the promulgation of regulations.

Committee on Agriculture,
Conservation, and Forestry.

UNFINISHED BUSINESS BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

H. 183. To authorize the county commissions of the several counties of this state to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in such counties not to exceed two cents (2 cents) per gallon; to provide for the collection and payment of such taxes and to provide the distribution and the use of the funds derived therefrom; to authorize the county commissions of such counties to make reasonable rules and regulations for the collection of such taxes, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the county commissions of such counties for the collection of said taxes and to provide for countywide referendums.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 183, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 183

A BILL TO BE ENTITLED AN ACT

To authorize the county commissions of the several counties of this state to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in such counties not to exceed two cents (2¢) per gallon; to provide for the collection and payment of such taxes and to provide the distribution and the use of the funds derived therefrom; to authorize the county commissions of such counties to make reasonable rules and regulations for the collection of such taxes, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the county commissions of such counties for the collection of said taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purposes of this Act, the following terms shall have the respective meaning ascribed by this section:

(1) COUNTY. Any county of this state which has levied excise taxes pursuant to the provisions of this Act.

(2) GASOLINE. Gasoline, naphtha and other liquid motor fuels or any device or substitute therefor commonly used in internal combustion engines; provided, that such term shall not be held to apply to those products known commercially as "kerosene oil," "fuel oil," or "crude oil" when used for lighting, heating or industrial purposes.

(3) **MOTOR FUEL.** Diesel oil, tractor fuel, gas oil, distillate, kerosene, jet fuel or any substitutes or devices therefor when sold, distributed, stored or withdrawn from storage in any county for use in the operation of any motor vehicle upon the highways of this state.

(4) **PERSON.** Persons, corporations, copartnerships, companies, agencies, associations, incorporated or otherwise, singular or plural.

(5) **DISTRIBUTOR.** Any person who engages in the selling of gasoline or motor fuel in this state by wholesale domestic trade, but shall not apply to any transaction of such distributor in interstate commerce.

(6) **REFINER.** Any person who manufactures, distills, blends, compounds or mixes any one or more products in the production of gasoline or motor fuel as herein defined.

(7) **RETAIL DEALER.** Any person herein defined as a distributor who is also engaged in the selling of gasoline or motor fuel in this state at any place in this state in broken quantities.

(8) **STORER.** Any person who ships or causes to be shipped or receives gasoline or motor fuel into this state in any quantities and stores the same in any manner and withdraws or uses the same for any purpose.

(9) **USER.** Any person who uses or consumes gasoline or motor fuel in this state in any manner or for any purpose; provided, that the term "user" is not to include any refiner who has a refinery or refineries located within the state of Alabama when using gasoline or motor fuel in the manufacturing or refining process, or any person who holds a federal permit to blend motor fuels under the federal law and statutes and who pays the federal excise tax on such motor fuels directly to the federal government, when such person uses gasoline in this state in such blending process.

Section 2. The county commissions of the several counties of this state are hereby authorized to impose excise taxes on persons selling, distributing, storing or withdrawing from storage for any purpose whatever, gasoline and motor fuel within such counties not to exceed two cents (2¢) per gallon and to require every distributor, retail dealer or storer of gasoline or motor fuel as herein defined to pay such excise taxes upon the selling, distributing or withdrawing from storage for any use, gasoline and motor fuel as herein defined in such counties; provided that excise taxes levied pursuant to the provisions of this Act shall not be levied upon the sale of gasoline or motor fuel in inter-state commerce, and provided further that if the excise tax imposed under this Act upon the sale of such gasoline or motor fuel shall have been paid by a distributor or by retail dealer or storer, such payment shall be sufficient, the intention being that the taxes shall not be paid but once. The excise taxes imposed pursuant to the provisions of this Act shall apply to persons, firms, corporations, dealers or distributors storing gasoline or motor fuel and distributing the same or allowing the same to be withdrawn from storage, whether such withdrawal be for sale or other use, provided that sellers of gasoline or motor fuel and its substitutes paying the taxes herein provided may pay the same computed and paid on the basis of their sales as hereinafter required, and storers and distributors shall compute and pay such taxes on the basis of their withdrawals or distributions. The taxes herein provided for shall be in addition to any and all excise or other taxes imposed on gasoline or motor fuel or any device or substitute therefor, or on the business of selling, distributing, storing or withdrawing from storage for any purpose, gasoline or motor fuel as herein defined; however, the county commissions of such counties shall have no

authority to levy any tax upon any gasoline or motor fuel as herein defined when used in essential governmental functions by the State of Alabama or any agency thereof, the Government of the United States or any agency thereof, or county governing agencies, municipalities, and boards of education.

Section 3. On or before the 20th day of each month after this Act has become effective, every person upon whom the excise tax is levied shall render to the county commission of the county on forms prescribed by such county commission a true and correct statement of all sales and withdrawals of gasoline made by him or them during the next preceding month, liable for payment of the excise tax imposed pursuant to the provisions of this Act, and shall furnish to said county commission such additional information as such county commission may require upon blanks to be formulated and furnished by said county commission, and at the time of making such report shall pay to the said county commission an amount of money equal to the excise tax levied under this Act. The statement herein required to be made by the distributor, storer or retail dealer shall be sworn to before some officer authorized to administer oaths, and any false statement sworn to shall constitute perjury and upon conviction thereupon the person so convicted shall be punished as provided by law for the crime of perjury.

Section 4. All distributors, storers and retail dealers shall keep for not less than three years within the State of Alabama at some certain place or office such books, documents or papers as will clearly show the amount of sale of withdrawals of gasoline and motor fuel made in such county taxed under this Act.

Section 5. Within thirty days after any tax shall have been levied under authority of this Act every distributor, storer or retail dealer engaged in the sale or withdrawal of gasoline or motor fuel in such county shall make a report on blanks furnished under Section 2 hereof to the county commission of such county, showing the place and post-office address at which he is engaged in the business of distributor or storer or retail dealer in gasoline or motor fuel within such county, which information shall be entered by the county commission of such county on a book kept for that purpose, and should such distributor, storer or retail dealer move his place of business from one business address to another such distributor, storer or retail dealer shall within thirty days thereafter notify the said county commission of such removal, giving the former place and post-office address and also the place and post-office address to which his place of business has been removed. After the tax imposed under this Act has become effective, no person shall become a distributor, storer or seller of gasoline or motor fuel in such county until he shall have made such reports to the such county commission.

Section 6. If any distributor, storer or retail dealer of gasoline or motor fuel in such county shall fail to make the reports or any of them as required in any provision of this Act or shall fail to comply with any regulation adopted for the collection of said tax by the county commission of such county, within the time required for making such reports, or shall fail to pay the tax imposed within the time fixed for the payment thereof, said distributor, storer or retail dealer shall be guilty of a Class C misdemeanor, and upon conviction thereof shall be punished for each offense as otherwise provided by law.

Section 7. It shall be the duty of the county commission of such county to enforce the provisions of this Act upon its imposing the tax here-

under, and it shall have the right itself, or its members or its agents, to examine the books, reports and accounts of every distributor, storer or retail dealer of gasoline or motor fuel on which such tax has been imposed and to make any and all rules and regulations necessary and proper for the collection of such tax. Provided however, upon resolution of the county commission of any county the State Department of Revenue is hereby authorized and directed to collect all taxes now or hereafter levied by such county under the provisions of this Act. All persons, firms, businesses and corporations subject to and owing such taxes shall be and hereby are directed to pay the same over to the Department and such payments shall be a full and complete discharge of all liability therefor to the county. The Department is authorized to promulgate reasonable rules and regulations to facilitate the orderly and efficient collection of said taxes. The Department is authorized to recover all costs of collecting such taxes, not to exceed 5% of the proceeds thereof, from such proceeds and shall pay the net amount remaining thereafter to the county.

Section 8. If any distributor, storer or retail dealer in gasoline or motor fuel shall fail to make monthly reports or shall fail to pay the tax imposed under authority of this Act, the tax shall be deemed delinquent within the meaning of this Act and there shall be added to the amount of his tax a penalty of 25%, provided if in the opinion of the county commission of the said county a good and sufficient cause or reason is shown for such delinquency, the penalty may be remitted. The said county commission shall be authorized and empowered to make returns for delinquent tax payers upon such information as it may reasonably obtain and add to that the penalty as prescribed by this Act. If any person shall be delinquent in the payment of any tax imposed pursuant to the provisions of this Act, the county commission of said county shall issue execution for the collection of the same, directed to any sheriff of the State of Alabama, who shall proceed to collect the same in the manner now provided by law for the collection of delinquent taxes by the County Tax Collector and make return of such execution to the county commission issuing the same. The tax herein authorized to be levied and the penalties herein provided for shall be held as a debt payable to such county by the person against whom the same shall have been imposed or against whom the penalties shall have accrued, and all such taxes and penalties shall be a lien upon the property in said county and elsewhere in this State of the person against whom said tax shall have been imposed and the penalties shall have accrued.

Section 9. The acceptance of any amount paid for the excise tax imposed under this Act shall not preclude the collection of the amount actually due. However, the amount actually paid shall constitute a credit against the amount actually due.

Section 10. Any distributor, storer or dealer who shall violate any provisions of this Act or shall fail to comply with any reasonable rule or regulation promulgated hereunder, may be restrained, and proper prosecution instituted in the name of said county by the Attorney General of the State of Alabama, or by such counsel as the county commission of said county shall direct, from distributing, selling, storing or withdrawing from storage any gasoline or motor fuel the sale or withdrawal of which is taxable until such persons shall have complied with the provisions of this Act.

Section 11. Each agent or any railroad company, bus or truck operator or other transportation company or agency operating in such county shall report to the county commission of said county on the first day of January, April, July and October of each year all shipments of gasoline or motor fuel

as defined in this Act or substitutes therefor handled by him or through the station or office at which he is the agent, and delivered to any person in such county during the preceding three months, giving the names and address of the consignor or consignee shipping and receiving said gasoline or motor fuel or substitute therefor and the number of gallons or pounds contained in each and every shipment.

Section 12. The proceeds of any tax imposed under authority of this Act shall be paid into a special fund in the county treasury for use as provided in Section 13.

Section 13. Expenditures from the special fund provided for in Section 12 shall be made exclusively for the purpose of construction, improvement and maintenance of public highways, streets and bridges including administrative expenses in connection therewith, the retirement of securities evidencing obligations incurred for payment of costs of such construction, improvement and maintenance, the matching of federal or state funds in the construction of improved roads and bridges in such county in the same manner as other county funds are used to match federal and state funds and for payment of the costs incurred in the administration and enforcement of this Act.

Section 14. Should any section, paragraph or portion of this Act be declared unconstitutional it shall not invalidate the remaining sections, paragraphs or portions hereof.

Section 15. The provisions of this Act are cumulative and shall not be construed to repeal other laws or parts of laws unless such laws or parts of laws are in conflict herewith. All laws or parts of laws which conflict with the provisions of this Act are repealed insofar as such conflicting provisions exist.

Section 16. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Senator Dixon, further consideration of the Bill, H. B. 183, and pending substitute, was postponed subject to the call of the Chair.

REPORTS OF COMMITTEES

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Teague:

S. 315. To re-open the Retirement Systems of Alabama in order to allow active and contributing members and former such members with vested retirement benefits to claim and purchase credit for military service and to provide for its termination.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Senator Parsons (With Amendments):

S. 408. To provide for the reopening of the Employees' Retirement

System of Alabama to those municipal officers and employees who are members of the Employees' Retirement System of Alabama on June 1, 1984 and who have prior employment with other municipalities for which they are ineligible to gain credit.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Mitchem:

S. 502. To amend Act No. 83-498, 1983 Regular Session of the Legislature of Alabama, to make the appropriation contained in said Act No. 83-498 in the amount of Six Million Five Hundred Thousand Dollars (\$6,500,000), constitute and consist of a supplemental appropriation for the period ending September 30, 1983 and an appropriation for subsequent fiscal years, from monies comprising Trust Capital of The Alabama Heritage Trust Fund created by an amendment to the Constitution of Alabama of 1901, proposed by Act. No. 81-1178, 1981 Third Special Session, for the purpose of payment by the State of Alabama of requisitions submitted by the Alabama Housing Finance Authority for its payment of costs and expenditures (including funding of debt service reserve funds) incurred by it in the exercise of the powers granted to it by law, and to validate disbursements made to said Authority between August 1, 1983 and October 31, 1983 and to provide that any requisitions paid after December 31, 1983 shall only be made in connection with issuance of single family mortgage revenue bonds, the interest on which is exempt from federal income taxation.

By Senator Denton:

S. 511. Relating to exemptions from the payment of state, county and municipal ad valorem taxes so as to exempt the Presbyterian Apartments of Birmingham, Inc., the Presbyterian Homes of Decatur, Inc., the Shoals Presbyterian Apartments, Inc., the Presbyterian Apartments in Northport, Alabama, and the East Alabama Services for the Elderly, Inc., a nonprofit corporation in Lee County, Alabama, or any predecessor organization or entity, from state, county and municipal ad valorem taxes.

By Senator Mitchem:

S. 563. To provide for a supplemental appropriation to the Department of Agriculture and Industries from the Agricultural Fund for the period ending September 30, 1984, in the amount of \$400,000.

Senator Figures, Chairperson of the Standing Committee on Consumer Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Corbett:

S. 2. To provide further for warranties on new motor vehicles and provides for refunds for failure to conform to said warranties.

By Senator Bedsole:

S. 440. To amend Section 36-1-4.1, Code of Alabama 1975, relating to definitions of charitable organizations for which public officers and employees may authorize contributions through payroll deductions, so as to provide further therefor.

By Rep. Ford:

H. 93. To amend Section 5-18-11 of the Code of Alabama 1975 relating to books, accounts and records of licensees under the Alabama Small Loan Act so as to provide further for annual reports of such licensees.

By Rep. Zoghby:

H. 223. To amend Section 41-4-50 of the Code of Alabama 1975, relating to the division of control and accounts of the department of finance so as to authorize by approval of the payee any state warrant to be deposited in or electronically transferred to any financial institution with this capability.

By Reps. Carter, Hall, and Sasser:

H. 290. To provide for commercial operation of billiard tables on the premises of businesses located in certain areas of the several counties of this state when such operation has been licensed by the judge of probate as provided in Article 2, Chapter 6, Title 34 of the Code of Alabama 1975.

By Reps. Lindsey, Smith, Grimsley, Preuitt, Richardson, Dutton, Butler, Burke, Moore, Carter, and Mathis:

H. 471. To provide for the registration of certain persons skilled in the repair, servicing or installing commercial weighing and measuring devices, thereby allowing the removal of condemned tags placed on said devices for the purpose of repair, by said registered service persons or scale mechanics; to authorize the promulgation of rules and regulations by the Commissioner of Agriculture and Industries, with the approval of the State Board of Agriculture and Industries; to provide for yearly registration and renewal upon the payment of \$25.00; to provide for procedures to be followed for revocation, suspension or refusing to renew the registration or refusing to initially register; to provide for hearing before the Commissioner of Agriculture and Industries and appeals before the State Board of Agriculture and Industries.

Senator Denton, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senators Amari, Cooley, and Barron (With Amendment):

S. 373. To provide that any person, firm, corporation or association who relocates, alters or reconstructs in any manner any public road, bridge or appurtenance with the approval of the governing body having jurisdiction over such road, bridge or appurtenance must do so at their own expense, and such relocation alteration or reconstruction must meet the current American Association of State Highway and Transportation Officials (AASHTO) standards.

Senator Denton, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Denton:

S. 525. To amend Sections 36-16-8 and 36-16-11, Code of Alabama

1975, relating to the inventory of state property, so as to further regulate the submission of inventory to the state auditor and the conducting of inventory.

By Senator Denton:

S. 524. To amend Section 41-1-6, Code of Alabama 1975, relating to inventory of certain personal property by state agencies and departments, so as to provide for an annual inventory.

By Rep. Moore:

H. 588. To amend Section 37-3-4 of the Code of Alabama 1975, relating to motor vehicle carriers as to exempt motor vehicle carriers transporting coke from regulation by the public service commission.

By Reps. Starr and McKee:

H. 61. Relating to the uniform commercial code; to amend Section 7-9-403, Code of Alabama 1975, to exempt mobile homes from being subject to the limitation of filing a continuation statement five years after filing a financing statement on a perfected security interest.

Senator Denton, Chairperson of the Standing Committee on Commerce, Transportation, and Utilities, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Coburn, Johnson (Roy), and Holley (With Amendment):

H. 88. To require all tags, plates or attachments on motor vehicles to comply with certain federal standards as relates to reflection properties; to require the revenue department to implement the provisions of this act and to authorize rule and regulation power for such purposes; to provide for an increase in tag or plate costs for passenger automobiles, trucks with a gross weight of 8,000 pounds or less and motorcycles; to provide for the collection, distribution and use of such fees; to provide that this act shall be supplemental to and in pari materia to existing law; and to provide an effective date.

Senator Holmes, Chairperson of the Standing Committee on Small Business, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Carothers, Johnson (R.G.), Richardson, Smith, Mathis, and Grimsley:

H. 74. To repeal Sections 2-13-82, 2-13-83, 2-13-85 and 2-13-88, Code of Alabama 1975, which requires milk producers and processors to obtain a joint permit from the State Board of Health and the County Boards of Health in order to do business in Alabama.

By Rep. Grouby:

H. 125. Relating to the further regulation of liquefied petroleum gas and the powers, duties and authority of the liquefied petroleum gas board and appointees and employees thereof; to amend Sections 9-17-100, 9-17-102, 9-17-103, 9-17-104, 9-17-105, 9-17-106 and 9-17-109 of the Code of Alabama 1975; and to provide penalties for violations.

By Rep. Starr:

H. 341. To amend Sections 34-33-1, 34-33-2, 34-33-3, 34-33-4, 34-33-6, 34-33-7, and 34-33-9 of the Code of Alabama 1975 which relate to the design, installation and maintenance of fire protection sprinkler systems so as to refine the definition of "Fire Protection Sprinkler Contractor and Fire Protection Sprinkler System"; to allow persons designated by the fire marshal to prepare and administer competency tests; to clarify application of this Act to certain owners of fire protection sprinkler systems; to allow for reciprocity among states for recognized permits; to allow a fire protection sprinkler contractor to continue in business for a limited period if the contractor's certificate holder dies or leaves the employment of such contractor; to specify the time for filing renewal applications; and to provide that if plans for a fire protection sprinkler system are required to be submitted to and approved by any municipality, county or the state such plans must bear the permit number of the certified fire protection sprinkler contractor.

By Senators Foshee and Holmes:

S. 555. To amend Section 1 of Act No. 83-889, Fourth Special Session of 1983, so as to define "discovery well", "on shore well" and "development wells", and to amend Section 2 of Act No. 83-889, Fourth Special Session of 1983, so as to provide that all oil and gas produced from onshore discovery wells, all oil and gas produced from onshore development wells on which drilling commenced within four years of the completion date of the discovery well and producing from a depth of 6,000 feet or greater, and all oil and gas produced from onshore development wells on which drilling commenced within two years of the completion date of the discovery well and producing from a depth less than 6,000 feet shall be taxed at a rate of six (6) percent of the gross value of said oil and gas at the point of production for a period of five (5) years from the date production begins from the reservoir provided that said discovery and development wells were permitted by the State Oil and Gas Board of Alabama after July, 1, 1984, shall be taxed at the rate of six (6) percent of the gross value of said oil or gas at the point of production for a period of five (5) years from the date production first begins.

Senator Foshee, Chairperson of the Standing Committee on Buildings and Grounds, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were read a second time and placed on the calendar, to-wit:

By Senator Smith (J):

S. 101. To amend Section 24-5-10, Code of Alabama 1975, which relates to licenses issued to dealers of mobile homes and which establishes a designated "state fire marshal's fund," so as to clarify that such fund be considered a "revolving fund" and fees collected by the state fire marshal division may be expended for use by that division.

By Senator Teague:

S. 551. To amend Section 34-22-40, Code of Alabama 1975, which establishes the Alabama board of optometry, so as to provide further for the terms of office of the members of said board.

By Senator Smith (J):

S. 70. To permit the Commissioner of Insurance to levy a civil penalty of not more than \$10,000.00 for violations of Insurance Code following an administrative hearing.

By Senator Smith (J):

S. 99. To amend Section 27-3-26, Code of Alabama 1975, so as to permit the Commissioner of Insurance to levy against an insurer a civil penalty of up to \$100.00 per day for each day beyond the date when said insurer's Annual Statement was due to be filed with the Alabama Insurance Department.

Senator Amari, Chairperson of the Standing Committee on Aging, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senator Amari (With Substitution);

S. 476. To amend Section 36-27-23 of the Code of Alabama 1975 relating to the general administration and proper operation of the retirement system of Alabama, so as to increase the number of members of the board of control of such system, and to provide for the election, qualifications and terms of office of the added member.

Senator Amari, Chairperson of the Standing Committee on Aging, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Carothers:

H. 314. To amend Section 9-11-54, Code of Alabama 1975, relating to fishing licenses for totally disabled persons, so as to provide for hunting or fishing licenses for totally disabled persons; to omit the license fee; to provide that licenses issued shall be on a continuous basis; to provide that holders may be required to obtain recertification of disability; to provide for the voiding of licenses of holders failing to obtain said recertification; to increase the issuing fee; and to provide that the issuing fee shall be paid into the county treasury under certain circumstances.

By Reps. Starr, Davis, Grouby, Rogers, Spratt, Pratt, Escott, Bugg, Perdue, Melton, McDowell, Burke, Boles, Trammell, Horn, Albright, Butler, Grayson, Faulk, Blakeney, Mikell, Warren, Flowers, Buskey (John), Carothers, Mathis, Preuitt, Grimsley, Turnham, Sasser, Smith, Cosby, Onderdonk, Brooks, Bowling, Hooper, Johnson (R.G.), Mitchell, Turner, Biddle, Poole, Gaston, Coleman, Marietta, Hettinger, Lindsey, Johnson (Roy), Zoghby, Holley, Harper, Coburn, Seibels, Payne, Browder, Parker, Holmes, Box, Gray, Hall, White (F), Venable, and White (G):

H. 337. To provide for a state income tax refund check-off designation for the support of programs for the aging in Alabama.

By Rep. Mitchell:

H. 477. To amend Sections 40-9-19 and 40-9-21, Code of Alabama 1975, which provides for ad valorem tax exemptions, so as to provide further for the homestead provision for persons 65 years old or older.

Senator Pearson, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Biddle, Escott, Rogers, Boles, Perdue, Spratt, Trammell, and Pratt (With Notice and Proof):

H. 470. Relating to Jefferson County; to authorize the payment of a compensation incentive for personnel assigned by the sheriff on a regular basis to conduct internal investigations or assist in the accountability of funds governed by the sheriff of Jefferson County.

By Rep. Davis (With Notice and Proof):

H. 583. To amend Section 1 of Act No. 77 of the 1964 First Special Session of the Legislature of Alabama (Acts, First and Second Special Sessions of 1964, pp. 111-112) to make such act applicable to Class I cities and to provide for and fix the sum of \$1,000.00 per month as an allowance for expenses for the mayor or other chief executive officer of any such city for which he shall not be required to file an accounting; and to provide for the effective date of such increase.

By Senator Bennett (With Notice and Proof):

S. 434. Relating to Jefferson County; to alter, rearrange and extend the boundaries and corporate limits of the City of Midfield, Alabama, so as to incorporate certain territory as described herein.

By Reps. Pratt, Trammell, Boles, Perdue, Escott, Horn, Davis, Spratt, Rogers, Gray, Biddle, McDowell, McNair, and Beers (With Notice and Proof):

H. 507. To provide a supplemental salary for the Circuit Clerk serving the Tenth Judicial Circuit.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Mitchell (With Notice and Proof):

H. 210. To authorize the Pickens County Board of Health to designate the services rendered by the Pickens County Health Department for which a reasonable fee may be charged. The Pickens County Board of Health is further required to set a maximum fee for each service. The Pickens County Health Department may charge and collect such fees. No citizen shall be deprived of any service because that person is unable to pay.

By Rep. Dutton (With Notice and Proof):

H. 399. Relating to Lawrence County; to amend Act No. 79-84, H. 48, 1979 Regular Session (Acts 1979, p. 109), which act provides for an expense allowance for the county coroner, so as to provide further for said allowance.

By Rep. Mitchell (With Notice and Proof):

H. 417. To levy a finance charge or a tax of ten cents per acre to be assessed against lands located in Pickens County, Alabama, which are used for timber growing purposes, to provide protection against forest fires, insects, disease and other pests within Pickens County; to provide for a referendum on the question and prescribing the procedure for the collection of such assessments.

By Rep. Black (With Notice and Proof):

H. 458. Relating to Sumter County; to repeal Act No. 83-66, H. 21, 1983 First Special Session, approved February 2, 1983, relating to employment by the sheriff of deputies sheriff and a secretary.

By Reps. Goodwin, Clark (D), and Starkey (With Notice and Proof):

H. 491. Relating to procedures for selling and redeeming lands for taxes in Lauderdale County, Alabama.

By Rep. Dutton (With Notice and Proof):

H. 496. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Lawrence County and to provide for the use of such fees.

By Rep. Harvey (With Notice and Proof):

H. 511. To alter Blount County Commission Districts One and Two by transferring Beat 39 from District One to District Two.

By Rep. Ford (With Notice and Proof):

H. 531. Relating to Etowah County, requiring the county to continue paying health insurance premiums for a certain period of time for certain employees laid off due to insufficient funds.

By Rep. Faulk (With Notice and Proof):

H. 541. Relating to Crenshaw County; providing for a discretionary expense allowance for members of the board of registrars, so as to make said expense allowance mandatory.

By Rep. Mitchell (With Notice and Proof):

H. 555. To provide for a special recording fee, in addition to all existing recording fees and charges for documents hereafter filed for record in Pickens County; and to prescribe the use thereof.

By Reps. Fuller and Laird (With Notice and Proof):

H. 559. To provide an annual supplemental salary for the Judge of the District Court of Chambers County.

By Rep. Penry (With Notice and Proof):

H. 597. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Gulf Shores in Baldwin County.

By Rep. Albright (With Notice and Proof):

H. 87. To provide for and create the Madison County Racing Commission, for the regulating, licensing and supervising of greyhound racing and pari-mutuel wagering thereon; to prescribe the composition, appointment, powers and duties of the Commission; to provide for and regulate the pari-mutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions and other monies received under the provisions of the Act; to provide certain penalties for the violation of this Act and for other purposes relative thereto; and to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county.

Senator Bishop, Chairperson of the Standing Committee on Rules, re-

ported that the following bills have been placed on the Consent Calendar for today, to-wit:

By Senator Denton:

S. 397. To amend Section 22-21-260 of the Code of Alabama 1975, so as to exempt a Veterans Nursing Home operated by the Department of Veterans Affairs from definition as a health care facility.

By Senator Denton:

S. 363. To provide for payment of examination fees by credit unions.

By Senator Dial:

S. 472. To amend Section 9-3-12, Code of Alabama 1975, relating to the state forestry commission steering committee, so as to provide further for an increase in committee members and their appointment.

By Senators Holmes, Foshee, Bedford, Bailey, Goodwin, Menton, Mitchem, deGraffenried, Barron, Bishop, Parsons, and Dial (With Amendment):

S. 336. To require that all nonresident aliens that own or lease agricultural land, or engage in farming within Alabama must annually report to the Commissioner of Agriculture and Industries, and to establish penalties for failure to report.

By Senators Goodwin, Strong, and Teague (With Amendment):

S. 430. To provide for the payment of tuition and the cost of textbooks for an undergraduate student in a state college, state community college, state junior college, state technical college, or state university, who is the dependent child or spouse who has not remarried, of a law enforcement officer or firefighter killed in the line of duty; to create a Tuition Eligibility Board to administer the provisions of the act and appointments and memberships; and to prescribe its composition, duties and responsibilities; to appropriate sufficient funds from the general fund of the state treasury; and to specifically repeal Act No. 82-277, S. 237 of the 1982 Regular Session (Acts 1982, p. 348), which is the "Policeman's Survivor Act" and conflicting laws; and to make the provisions retroactively effective.

By Senator Bennett:

S. 242. To amend Section 25-5-1, Code of Alabama 1975, relating to definitions for the state workmen's compensation laws (Chapter 5, Title 25, Code of Alabama 1975), so as to include within the terms "employee" and "workmen" the employees of Tannehill furnace and foundry commission, so that such employees would be covered by workmen's compensation.

By Senator Bennett:

S. 325. Amending Sections 16-36-7 and 16-36-27 of the Code of Alabama, 1975, so as to allow State adoption and purchase of educational materials for children enrolled in the public kindergartens of the State.

By Senators Mitchem and Barron:

S. 470. To provide for the criminal offense of theft of trade secrets and trademarks and to prescribe penalty for conviction of such offense.

BILLS ON THIRD READING RESUMED

Senator Mitchem requested and received permission in order to bring up the Bill:

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H. 578. To exempt George Lindsey Celebrity Benefit, Inc., and the Alabama Special Olympics or any predecessor organizations or entities, from the payment of all state, county and municipal sales and use taxes.

And said Bill, H. B. 578, was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Senators:	Cabaniss	Dixon	Little
Aldridge	Cooley	Goodwin	Menton
Barron	Corbett	Hand	Mitchem
Bedsole	deGraffenried	Holmes	Strong
Bennett	Dial	Langford	Teague
Bishop			

—20

Nays: —0

RESOLUTIONS

Senator Goodwin offered the following Senate Joint Resolution, to-wit:

S. J. R. 172. COMMENDING MRS. FAY BUNCH, STATE PRESIDENT OF THE VETERANS OF FOREIGN WARS LADIES AUXILIARY.

WHEREAS, the Legislature of Alabama in high commendation joins in recognition of April 28, 1984, as Fay Bunch Day in honor of the organization's current State President; and

WHEREAS, Mrs. Bunch, in responsible statewide leadership, has coordinated the organization's participation in its national cancer and research project as well as its support of the Lurleen B. Wallace Research Center in Birmingham; and

WHEREAS, during Mrs. Bunch's stewardship, the Auxiliary has further joined the VFW Post in its involvement and support in such commendable areas as the Veterans Administration hospitals and nursing homes; veterans' rehabilitation; in community services such as the March of Dimes, Boy Scouts, community beautification and the Kidney Foundation, among others; and

WHEREAS, the Auxiliary and Post, together, extend their activities in the promotion of Americanism, donating flags and literature; through sponsorship of Veterans Day programs; with their annual Sale of Buddy Poppies to aid disabled veterans; their Voice of Democracy Program; Patriotic Art and Hire the Handicapped Poster contests; recognition of law enforcement officers and firefighters; and through distribution of safety and drug abuse literature in our schools; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein express highest commendation of Mrs. Fay Bunch, State President of the Veterans of Foreign Wars Ladies Auxiliary; we further voice praise of her distinguished tenure in statewide leadership of the Auxiliary, and direct that she receive a copy of this resolution in small token of our sincere regard.

On motion of Senator Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

Senators Hand, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried,

Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hilliard, Holmes, Langford, Little, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong, and Teague offered the following Senate Resolution, to-wit:

S. R. 173. EXTENDING HAPPY BIRTHDAY WISHES TO MISS MARYLON HAND.

Which was adopted.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 113. To provide that local city and county boards of education, boards of trustees of colleges and universities and governing boards of other public supported education institutions shall provide certain leave options for tenured professional employees who serve in the Alabama legislature and full time members of the Governor's staff.

CHARLES BISHOP
Chairperson.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 174. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twentieth legislative day of the 1984 Regular Session only:

Inst Id		Page
H. 226	Legislative Staff, speaker and lt. gov., addt'l secretary provided. Sec. 29-4-44 amd.	91
H. 407	Legislative personnel, clerk of House and Sec. of Senate authorized to hire.	93
S. 170	Municipalities of cert. size, auth. abolish civil service system, auth. to allow participation in St. Retirement System.	15
H. 208	Teachers personal leave, to accrue toward retirement, Sec. 16-8-26 amd.	79
S. 121	Game and Fish; charges for certain fishing licenses further regulated; illegal nets declared nuisances; 9-12-113 amd.	28
S. 15	Alabama Small Bus. Procurement Sys., estab., to procure U.S. Gov't. contracts.	17
S. 16	Contracts, state must execute promptly.	19
S. 484	Employees' Ret. System, cert. employees of State Employees and Retired Employees' Associations auth. to join system.	78

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S. 372 Louisiana, Mississippi, Alabama Rapid Rail 106
 Transit Comm. approp.

Senator Dixon offered the following substitute for the Resolution,
S. R. 174, to-wit:

SUBSTITUTE FOR S. R. 174

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twentieth legislative day of the 1984 Regular Session only:

Inst Id		Page
H. 226	Legislative Staff, speaker and lt. gov., addt'l secretary provided. Sec. 29-4-44 amd.	91
H. 407	Legislative personnel, clerk of House and Sec. of Senate authorized to hire.	93
S. 170	Municipalities of cert. size, auth. abolish civil service system, auth. to allow participation in St. Retirement System.	15
S. 49	Teachers personal leave, to accrue toward retirement, Sec. 16-8-26 amd.	93
S. 121	Game and Fish; charges for certain fishing licenses further regulated; illegal nets declared nuisances; 9-12-113 amd.	28
S. 15	Alabama Small Bus. Procurement Sys., estab., to procure U.S. Gov't. contracts.	17
S. 16	Contracts, state must execute promptly.	19
S. 484	Employees' Ret. System, cert. employees of State Employees and Retired Employees' Associations auth. to join system	78
S. 372	Louisiana, Mississippi, Alabama Rapid Rail Transit Comm. approp.	106

Which was adopted.

And on motion of Senator Bishop, the Resolution, S. R. 174, as thus amended by the substitute, was then adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 126. To provide that a local board of education shall allow a sick leave bank for its employees to be established upon the request of such employees.

and pending Hand substitute, which said substitute is set out in the Journal of the Senate for the Eighteenth Legislative Day, was taken up.

On motion of Senator Hand, said substitute was laid on the table.

Senator Hand then offered the following substitute for the Bill,
S. B. 126, to-wit:

SUBSTITUTE FOR S. B. 126**A BILL
TO BE ENTITLED
AN ACT**

To provide that a local board of education shall allow a sick leave bank for its employees to be established upon the request of such employees.

Be It Enacted by the Legislature of Alabama:

Section 1. A local board of education, upon the request of ten percent of its full time certificated and full time support personnel, shall establish a sick leave bank plan for each of the two groups.

Section 2. Each plan shall allow each employee to deposit an equal number of days not to exceed five (5) days of his or her earned sick leave into the bank. Such days so deposited shall then be available to be loaned to any participating employee whose sick leave has been exhausted.

Section 3. The proposed rules and regulations for the operation of the sick leave bank shall be jointly developed by a committee representing the employees and the local board of education. Each of the parties shall select its respective committee members. Following the development of the rules and regulations, this committee shall submit said rules and regulations to the employees and local board of education for approval. The accounting and administration of the sick leave bank shall be the responsibility of the local school boards. The operation of the sick leave bank shall be the responsibility of the committee and they shall accept applications for individuals inclusion, approving loan applications for sick leave days and shall, from time to time, make recommendations to the local school boards for rule and regulation changes as may be necessary for the orderly operation of the program. Vacancies occurring on the board of control shall be filled by the respective parties. No representative on the board of control shall serve for a term longer than five (5) years.

Section 4. The sick leave banks as may be established shall include the following regulations but shall not be limited only to these regulations; but no local school board shall adopt any regulation that conflicts with the general regulations:

(a) No employee shall be allowed to owe more than 10 days more than the employee has on deposit to the sick leave bank, unless over 50% of the participating members of the bank vote to extend said limit.

(b) Application for sick leave loans shall be developed by the committee and no loan shall be made without appropriate signatures of the committee and employee.

(c) Upon the resignation or other termination of an employee who has an outstanding loan of sick leave days, said value of loan shall be deducted from the final pay check and at the prevailing rate.

(d) A contributing employee to the program shall not be allowed to accumulate more than 150 days, including days accumulated in the sick leave bank.

(e) Participation in the sick leave bank shall at all times be voluntary on the part of the employee.

(f) Any alleged abuse of the use of the sick leave bank shall be investi-

gated by the committee and, on a finding of wrongdoing, the employee shall repay all of the sick leave credits drawn from the sick leave bank and be subject to other appropriate disciplinary action as determined by the local school board.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Senator Little offered the following amendment to the substitute for the Bill, S. B. 126, to-wit:

AMENDMENT TO SUBSTITUTE FOR S. B. 126

Amend substitute for Senate Bill No. 126, Page 1 Line 32, by inserting after the word

"committee"

the words

of equal representation

Which was adopted.

Senator Dial offered the following amendment to the substitute, as amended, for the Bill, S. B. 126, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR
S. B. 126**

Amend the Substitute, as amended, for S. B. 126, on page 1, line 30, by deleting the entire "Section 3" and inserting in lieu thereof the following:

"Section 3. Governing boards shall enact policies providing for uniform administration of the sick leave bank. In developing policies governing the operation of the sick leave bank, local boards of education shall comply with provisions of Sections 16-8-10 and 16-11-18, Code of Alabama, 1975."

Further amend on page 2, line 24, by deleting "Section 4, subsection (b)" and renumbering subsequent subsections accordingly.

Further amend on page 3, line 3, by deleting the word "committee" and substituting in lieu thereof the word

"board".

On motion of Senator Bailey, said amendment was laid on the table.

Senator Dial then offered the following amendment No. 2 to the substitute, as amended, for the Bill, S. B. 126, to-wit:

**AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR
S. B. 126**

Amend the Substitute, as amended, for S. B. 126, on page 1, line 17, by striking the word "shall" after the word "education" and inserting in lieu thereof the word "may".

Further amend on page 1, line 23, by striking the word "shall" after the comma, and inserting in lieu thereof the word "may".

Further amend on page 1, line 25, by inserting the word "approved" after the word "each".

On motion of Senator Bailey, said amendment was laid on the table.

Yeas 19; nays 9.

Yeas:

Senators:	Cooley	Goodwin	Parsons	
Amari	deGraffenried	Holmes	Pearson	
Bailey	Denton	Langford	Smith (J)	
Bedford	Drinkard	Little	Strong	
Bennett	Figures	Mitchem	Teague	—19

Nays:

Senators:	Cabaniss	Dixon	Menton	
Barron	Covington	Ellis	Smith (B)	
Bedsole	Dial			—9

Senator Dial then offered the following amendment No. 3 to the substitute, as amended, for the Bill, S. B. 126, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR S. B. 126

Amend the Substitute, as amended, for S. B. 126, on page 1, line 30, by deleting the entire "Section 3" and inserting in lieu thereof the following:

"Section 3. Governing boards shall enact policies providing for uniform administration of the sick leave bank. In developing policies governing the operation of the sick leave bank, local boards of education shall comply with provisions of Sections 16-8-10 and 16-11-18, Code of Alabama, 1975."

Further amend on page 3, line 3, by deleting the word "committee" and substituting in lieu thereof the word "board".

On motion of Senator Bailey, said amendment was laid on the table.

Yeas 17; Nays 9.

Yeas:

Senators:	Cooley	Hilliard	Pearson	
Bailey	Denton	Holmes	Sanders	
Bedford	Figures	Langford	Strong	
Bennett	Foshee	Parsons	Teague	
Bishop	Goodwin			—17

Nays:

Senators:	Covington	Ellis	Mitchem	
Bedsole	Dial	Hand	Smith (B)	
Cabaniss	Dixon			—9

Senator Mitchem moved that further consideration of the Bill, S. B. 126, and pending substitute, as amended, be postponed subject to the call of the Chair.

Senator Bailey moved that the motion to postpone be laid on the table, which motion was lost.

And said motion to postpone subject to the call of the Chair was then lost.

Yeas 13; Nays 17.

Yeas:

Senators:	Cabaniss	Hand	Smith (B)
Barron	Covington	Little	Smith (J)
Bedford	Dial	Mitchem	Teague
Bedsole	Ellis		

—13

Nays:

Senators:	deGraffenried	Goodwin	Parsons
Bailey	Denton	Holmes	Pearson
Bennett	Dixon	Langford	Sanders
Bishop	Drinkard	Menton	Strong
Cooley	Figures		

—17

Senator Bishop moved to reconsider the vote by which the motion to postpone lost.

Senator Bishop then moved that further consideration of the Bill, S. B. 126, and pending substitute, as amended, be postponed subject to the call of the Chair, which motion was adopted.

RESOLUTION

Senator Smith (J) offered the following Senate Resolution, to-wit:

S. R. 175. COMMENDING MR. CHARLES D. BENDALL OF HUNTSVILLE, ALABAMA.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 578. To exempt George Lindsey Celebrity Benefit, Inc., and the Alabama Special Olympics or any predecessor organizations or entities, from the payment of all state, county and municipal sales and use taxes.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 181. To amend Section 8-17-87, Code of Alabama, 1975, to provide that the inspection fee on gasoline be increased to \$.02 per gallon and the inspection fee on diesel fuel be increased to \$.02 per gallon. To amend Section 8-17-91, Code of Alabama, 1975, as amended, to provide for distribution of permit fees, inspection fees, penalties; refund of overpayments and to provide for appropriation of funds.

Also:

H. 182. To amend Sections 40-12-248, 40-12-269 and 40-12-270, Code of Alabama, 1975, as amended, which relate to license taxes and registration fees on trucks and truck tractors so as to further provide for the collection, amount and distribution of such license taxes and registration fees.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

S. 397. To amend Section 22-21-260 of the Code of Alabama 1975, so as to exempt a Veterans Nursing Home operated by the Department of Veterans Affairs from definition as a health care facility.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 14; Nays 0.

Yeas:

Senators:	Covington	Holmes	Smith (B)	
Bedsole	Denton	Langford	Strong	
Bennett	Foshee	Little	Teague	
Cooley	Hand	Menton		—14

Nays: —0

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

The Bill:

S. 363. To provide for payment of examination fees by credit unions.
was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	Bennett	Covington	Drinkard
Amari	Cabaniss	Denton	Ellis
Bedsole	Cooley	Dial	Figures

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Foshee	Little	Parsons	Strong	
Hand	Menton	Smith (B)	Teague	
Holmes				—20
Nays:				—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 157. DESIGNATING THE WEEK OF APRIL 23-27, 1984, AS "ALABAMA STUDENT LEADERSHIP WEEK."

Also:

S. J. R. 158. COMMENDING MR. FRANK J. SEGO, MONTGOMERY CIVIC LEADER AND MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL EXCHANGE CLUB, ON HIS CANDIDACY FOR PRESIDENT-ELECT OF AMERICA'S EXCHANGE CLUBS.

Also:

S. J. R. 165. HONORING POSTHUMOUSLY ALABAMIANS RILEY W. SHAMBURGER, WADE GRAY, THOMAS W. RAY AND LEO BAKER.

Also:

S. J. R. 166. CONGRATULATING DR. JAMES E. MARTIN, PRESIDENT, AUBURN UNIVERSITY.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 11. To make an additional appropriation to the Alabama Real Estate Commission from the Alabama Real Estate Commission Fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1984.

JOHN W. PEMBERTON,
Clerk.

RECESS

At 11:50 A.M., on motion of Senator Teague, the Senate took a recess until 1:30 P.M.

The recess period having expired, the Senate was called to order by Lieutenant Governor Baxley. A quorum of the Senate was present.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 170. CREATING THE HUNTSVILLE GOVERNMENTAL STUDY TASK FORCE.

Also:

S. J. R. 172. COMMENDING MRS. FAY BUNCH, STATE PRESIDENT OF THE VETERANS OF FOREIGN WARS LADIES AUXILIARY.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 11. CREATING AN INTERIM LEGISLATIVE COMMITTEE TO ASSESS THE NON-FEDERAL ASPECTS AND RESPONSIBILITIES INVOLVED IN COMPLETING THE COOSA RIVER NAVIGATION PROJECT.

Also:

S. J. R. 146. COMMENDING THE MONTGOMERY CHAPTER OF PROFESSIONAL SECRETARIES INTERNATIONAL.

Also:

S. J. R. 148. AMENDING ACT NO. 83-339, S. J. R. 47, 1983 REGULAR SESSION, WHICH CREATED A JOINT INTERIM LEGISLATIVE COMMITTEE ON THE ARTS AND HUMANITIES.

Also:

S. J. R. 154. COMMENDING C. F. VIGOR HIGH SCHOOL, PRICHARD, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

S. 472. To amend Section 9-3-12, Code of Alabama 1975, relating to the state forestry commission steering committee, so as to provide further for an increase in committee members and their appointment.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 15; Nays 0.

Yeas:

Senators:	Cooley	Denton	Langford	
Barron	Corbett	Goodwin	Little	
Bedsole	Covington	Hand	Mitchem	
Bennett	deGraffenried	Holmes	Sanders	—15

Nays:

—0

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(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

The Bill:

S. 336. To require that all nonresident aliens that own or lease agricultural land, or engage in farming within Alabama must annually report to the Commissioner of Agriculture and Industries, and to establish penalties for failure to report.

was taken up.

The Standing Committee on Agriculture, Conservation, and Forestry reported the following amendment to the Bill, S. B. 336, to-wit:

COMMITTEE AMENDMENT TO S. B. 336

Amend S. B. 336, page 3, between lines 23 and 24, by inserting new Section 3 as follows:

Section 3. Changes in ownership or in leasing. After filing the initial report required herein, changes in ownership or leasing shall be reported to the Commissioner of Agriculture and Industries within 90 days of any such change.

Also, amend by renumbering old Section 3 as Section 4 and renumber all subsequent sections accordingly.

Also, in Section 2, page 2, line 34, after the word and figure "Industries," amend by striking the letter "a" and inserting in lieu thereof the following:

an initial

Which was adopted.

Yeas 13; Nays 0.

Yeas:

Senators:	Corbett	Holmes	Sanders	
Bedsole	Covington	Langford	Smith (J)	
Bennett	Goodwin	Parsons	Strong	
Cooley	Hand			—13

Nays: —0

And said Bill, S. B. 336, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 21; Nays 0.

Yeas:

Senators:	Covington	Hand	Mitchem	
Bailey	deGraffenried	Hilliard	Parsons	
Bedsole	Denton	Holmes	Sanders	
Bennett	Dixon	Langford	Smith (B)	
Cooley	Foshee	Little	Strong	
Corbett	Goodwin			—21

Nays: —0

The Bill:

S. 430. To provide for the payment of tuition and the cost of text-

books for an undergraduate student in a state college, state community college, state junior college, state technical college, or state university, who is the dependent child or spouse who has not remarried, of a law enforcement officer or firefighter killed in the line of duty; to create a Tuition Eligibility Board to administer the provisions of the act and appointments and memberships; and to prescribe its composition, duties and responsibilities; to appropriate sufficient funds from the general fund of the state treasury; and to specifically repeal Act No. 82-277, S. 237 of the 1982 Regular Session (Acts 1982, p. 348), which is the "Policeman's Survivor Act" and conflicting laws; and to make the provisions retroactively effective.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 430, to-wit:

AMENDMENT TO S. B. 430

Amend S. B. 430 on Page 2, line 21, after the word "killed" by inserting the following: "or dies as a direct result thereof;"

Which was adopted.

Yeas 16; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Little	
Barron	deGraffenried	Hand	Parsons	
Bennett	Denton	Holmes	Smith (J)	
Cooley	Dixon	Langford	Strong	
Corbett				—16

Nays: —0

And said Bill, S. B. 430, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 18; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Menton	
Bailey	Covington	Goodwin	Parsons	
Barron	Denton	Hand	Smith (J)	
Bennett	Dixon	Langford	Strong	
Cooley	Ellis	Little		—18

Nays: —0

The Bill:

S. 242. To amend Section 25-5-1, Code of Alabama 1975, relating to definitions for the state workmen's compensation laws (Chapter 5, Title 25, Code of Alabama 1975), so as to include within the terms "employee" and "workmen" the employees of Tannehill furnace and foundry commission, so that such employees would be covered by workmen's compensation.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

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Yeas:

Senators:	Corbett	Foshee	Parsons
Aldridge	Covington	Hand	Sanders
Bailey	deGraffenried	Holmes	Smith (J)
Barron	Denton	Langford	Strong
Bennett	Dial	Little	Teague
Cooley	Ellis	Mitchem	

—22

Nays: —0

The Bill:

S. 325. Amending Sections 16-36-7 and 16-36-27 of the Code of Alabama, 1975, so as to allow State adoption and purchase of educational materials for children enrolled in the public kindergartens of the State.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Menton
Barron	Denton	Hand	Parsons
Bedsole	Dial	Holmes	Smith (B)
Bennett	Dixon	Langford	Smith (J)
Cooley	Ellis	Little	Teague
Covington			

—20

Nays: —0

The Bill:

S. 470. To provide for the criminal offense of theft of trade secrets and trademarks and to prescribe penalty for conviction of such offense.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Denton	Hand	Mitchem
Bedsole	Dial	Holmes	Parsons
Bennett	Dixon	Langford	Sanders
Corbett	Ellis	Little	Smith (J)
Covington	Foshee	Menton	Teague
deGraffenried	Goodwin		

—21

Nays: —0

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill and Senate Joint Resolutions with the original Senate Bill and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 11. To make an additional appropriation to the Alabama Real Estate Commission from the Alabama Real Estate Commission Fund which is

on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1984.

Also:

S. J. R. 157. DESIGNATING THE WEEK OF APRIL 23-27, 1984, AS "ALABAMA STUDENT LEADERSHIP WEEK."

Also:

S. J. R. 158. COMMENDING MR. FRANK J. SEGO, MONTGOMERY CIVIC LEADER AND MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL EXCHANGE CLUB, ON HIS CANDIDACY FOR PRESIDENT-ELECT OF AMERICA'S EXCHANGE CLUBS.

Also:

S. J. R. 165. HONORING POSTHUMOUSLY ALABAMIANS RILEY W. SHAMBURGER, WADE GRAY, THOMAS W. RAY AND LEO BAKER.

Also:

S. J. R. 166. CONGRATULATING DR. JAMES E. MARTIN, PRESIDENT, AUBURN UNIVERSITY.

CHARLES BISHOP,
Chairperson.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill and Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 226. To amend Section 29-4-44, Code of Alabama 1975, which provides for the employment of secretaries employed for the Presiding Officer of each house of the Legislature so as to further provide for additional secretaries.

And said Bill, H. B. 226, was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Senators:	Dial	Langford	Sanders
Bedsole	Dixon	Little	Smith (B)
Corbett	Ellis	Menton	Smith (J)
Covington	Foshee	Mitchem	Strong
deGraffenried	Hand	Parsons	Teague
Denton	Holmes		

—21

Nays:

—0

The Bill:

H. 407. To authorize the Clerk of the House and the Secretary of the Senate to employ certain legislative personnel.

was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Senators:	deGraffenried	Foshee	Menton
Barron	Denton	Goodwin	Sanders
Bennett	Dial	Hand	Smith (B)
Cooley	Dixon	Holmes	Smith (J)
Corbett	Drinkard	Langford	Strong
Covington	Ellis	Little	Teague

—23

Nays: —0

FURTHER CONSIDERATION OF H. B. 183

The Senate proceeded to further consideration of the Bill, H. B. 183. The question was on the committee substitute.

On the motion of Senator Goodwin, said substitute was laid on the table.

Senator Goodwin then offered the following substitute for the Bill, H. B. 183, to-wit:

SUBSTITUTE FOR H. B. 183

A BILL TO BE ENTITLED AN ACT

To authorize the county commissions of the several counties of this state to impose excise taxes on persons, corporations, copartnerships, companies, agencies and associations engaged in the business of selling, distributing, storing or withdrawing from storage, for any purpose whatever, gasoline and motor fuel and substitutes therefor in such counties not to exceed two cents (2¢) per gallon; to authorize countywide referendums; to provide for the collection and payment of such taxes and to provide the distribution and the use of the funds derived therefrom; to authorize the county commissions of such counties to make reasonable rules and regulations for the collection of such taxes, and to provide for the enforcement of this Act and to fix a penalty for the violation of any provision of this Act and of the rules and regulations prescribed by the county commissions of such counties for the collection of said taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purposes of this Act, the following terms shall have the respective meaning ascribed by this section:

(1) COUNTY. Any county of this state which has levied excise taxes pursuant to the provisions of this Act.

(2) GASOLINE. Gasoline, naphtha and other liquid motor fuels or any device or substitute therefor commonly used in internal combustion engines; provided, that such term shall not be held to apply to those products

known commercially as "kerosene oil," fuel oil," or "crude oil" when used for lighting, heating or industrial purposes.

(3) **MOTOR FUEL.** Diesel oil, tractor fuel, gas oil, distillate, kerosene, jet fuel or any substitutes or devices therefor when sold, distributed, stored or withdrawn from storage in any county for use in the operation of any motor vehicle upon the highways of this state.

(4) **PERSON.** Persons, corporations, copartnerships, companies, agencies, associations, incorporated or otherwise, singular or plural.

(5) **DISTRIBUTOR.** Any person who engages in the selling of gasoline or motor fuel in this state by wholesale domestic trade, but shall not apply to any transaction of such distributor in interstate commerce.

(6) **REFINER.** Any person who manufactures, distills, blends, compounds or mixes any one or more products in the production of gasoline or motor fuel as herein defined.

(7) **RETAIL DEALER.** Any person herein defined as a distributor who is also engaged in the selling of gasoline or motor fuel in this state at any place in this state in broken quantities.

(8) **STORER.** Any person who ships or causes to be shipped or receives gasoline or motor fuel into this state in any quantities and stores the same in any manner and withdraws or uses the same for any purpose.

(9) **USER.** Any person who uses or consumes gasoline or motor fuel in this state in any manner or for any purpose; provided, that the term "user" is not to include any refiner who has a refinery or refineries located within the state of Alabama when using gasoline or motor fuel in the manufacturing or refining process, or any person who holds a federal permit to blend motor fuels under the federal law and statutes and who pays the federal excise tax on such motor fuels directly to the federal government, when such person uses gasoline in this state in such blending process.

Section 2. The county commissions of the several counties of this state are hereby authorized to impose excise taxes on persons selling, distributing, storing or withdrawing from storage for any purpose whatever, gasoline and motor fuel within such counties not to exceed two cents (2¢) per gallon and to require every distributor, retail dealer or storer of gasoline or motor fuel as herein defined to pay such excise taxes upon the selling, distributing or withdrawing from storage for any use, gasoline and motor fuel as herein defined in such counties; provided that excise taxes levied pursuant to the provisions of this Act shall not be levied upon the sale of gasoline or motor fuel in inter-state commerce, and provided further that if the excise tax imposed under this Act upon the sale of such gasoline or motor fuel shall have been paid by a distributor or by retail dealer or storer, such payment shall be sufficient, the intention being that the taxes shall be paid but once. Such governing body may, in its discretion, submit the question of levying any such tax to a vote of the qualified electors of the county. If such governing body submits the question to the voters, then the governing body shall also provide for holding and canvassing the returns of the election and for giving notice thereof. The excise taxes imposed pursuant to the provisions of this Act shall apply to persons, firms, corporations, dealers or distributors storing gasoline or motor fuel and distributing the same or allowing the same to be withdrawn from storage, whether such withdrawal be for sale or other use, provided that sellers of gasoline or motor fuel and its substitutes paying the taxes herein provided may pay the same computed and paid on the basis of their sales as hereinafter required, and

storsers and distributors shall compute and pay such taxes on the basis of their withdrawals or distributions. The taxes herein provided for shall be in addition to any and all excise or other taxes imposed on gasoline or motor fuel or any device or substitute therefor, or on the business of selling, distributing, storing or withdrawing from storage for any purpose, gasoline or motor fuel as herein defined; however, the county commissions of such counties shall have no authority to levy any tax upon any gasoline or motor fuel as herein defined when used in essential governmental functions by the State of Alabama or any agency thereof, the Government of the United States or any agency thereof, or county governing agencies, municipalities, and boards of education.

Section 3. On or before the 20th day of each month after this Act has become effective, every person upon whom the excise tax is levied shall render to the county commission of the county on forms prescribed by such county commission a true and correct statement of all sales and withdrawals of gasoline made by him or them during the next preceding month, liable for payment of the excise tax imposed pursuant to the provisions of this Act, and shall furnish to said county commission such additional information as such county commission may require upon blanks to be formulated and furnished by said county commission, and at the time of making such report shall pay to the said county commission an amount of money equal to the excise tax levied under this Act. The statement herein required to be made by the distributor, storer or retail dealer shall be sworn to before some officer authorized to administer oaths, and any false statement sworn to shall constitute perjury and upon conviction thereupon the person so convicted shall be punished as provided by law for the crime of perjury.

Section 4. All distributors, storsers and retail dealers shall keep for not less than three years within the State of Alabama at some certain place or office such books, documents or papers as will clearly show the amount of sale of withdrawals of gasoline and motor fuel made in such county taxed under this Act.

Section 5. Within thirty days after any tax shall have been levied under authority of this Act every distributor, storer or retail dealer engaged in the sale or withdrawal of gasoline or motor fuel in such county shall make a report on blanks furnished under Section 2 hereof to the county commission of such county, showing the place and post-office address at which he is engaged in the business of distributor or storer or retail dealer in gasoline or motor fuel within such county, which information shall be entered by the county commission of such county on a book kept for that purpose, and should such distributor, storer or retail dealer move his place of business from one business address to another such distributor, storer or retail dealer shall within thirty days thereafter notify the said county commission of such removal, giving the former place and post-office address and also the place and post-office address to which his place of business has been removed. After the tax imposed under this Act has become effective, no person shall become a distributor, storer or seller of gasoline or motor fuel in such county until he shall have made such reports to the such county commission.

Section 6. If any distributor, storer or retail dealer of gasoline or motor fuel in such county shall fail to make the reports or any of them as required in any provision of this Act or shall fail to comply with any regulation adopted for the collection of said tax by the county commission of such county, within the time required for making such reports, or shall fail to pay the tax imposed within the time fixed for the payment thereof, said

distributor, storer or retail dealer shall be guilty of a Class C misdemeanor, and upon conviction thereof shall be punished for each offense as otherwise provided by law.

Section 7. It shall be the duty of the county commission of such county to enforce the provisions of this Act upon its imposing the tax hereunder, and it shall have the right itself, or its members or its agents, to examine the books, reports and accounts of every distributor, storer or retail dealer of gasoline or motor fuel on which such tax has been imposed and to make any and all rules and regulations necessary and proper for the collection of such tax. Provided however, upon resolution of the county commission of any county the State Department of Revenue is hereby authorized and directed to collect all taxes now or hereafter levied by such county under the provisions of this Act. All persons, firms, businesses and corporations subject to and owing such taxes shall be and hereby are directed to pay the same over to the Department and such payment shall be a full and complete discharge of all liability therefor to the county. The Department is authorized to promulgate reasonable rules and regulations to facilitate the orderly and efficient collection of said taxes. The Department is authorized to recover all costs of collecting such taxes, not to exceed 5% of the proceeds thereof, from such proceeds and shall pay the net amount remaining thereafter to the county.

Section 8. If any distributor, storer or retail dealer in gasoline or motor fuel shall fail to make monthly reports or shall fail to pay the tax imposed under authority of this Act, the tax shall be deemed delinquent within the meaning of this Act and there shall be added to the amount of his tax a penalty of 25%, provided if in the opinion of the county commission of the said county a good and sufficient cause or reason is shown for such delinquency, the penalty may be remitted. The said county commission shall be authorized and empowered to make returns for delinquent tax payers upon such information as it may reasonably obtain and add to that the penalty as prescribed by this Act. If any person shall be delinquent in the payment of any tax imposed pursuant to the provisions of this Act, the county commission of said county shall issue execution for the collection of the same, directed to any sheriff of the State of Alabama, who shall proceed to collect the same in the manner now provided by law for the collection of delinquent taxes by the County Tax Collector and make return of such execution to the county commission issuing the same. The tax herein authorized to be levied and the penalties herein provided for shall be held as a debt payable to such county by the person against whom the same shall have been imposed or against whom the penalties shall have accrued, and all such taxes and penalties shall be a lien upon the property in said county and elsewhere in this State of the person against whom said tax shall have been imposed and the penalties shall have accrued.

Section 9. The acceptance of any amount paid for the excise tax imposed under this Act shall not preclude the collection of the amount actually due. However, the amount actually paid shall constitute a credit against the amount actually due.

Section 10. Any distributor, storer or dealer who shall violate any provisions of this Act or shall fail to comply with any reasonable rule or regulation promulgated hereunder, may be restrained, and proper prosecution instituted in the name of said county by the Attorney General of the State of Alabama, or by such counsel as the county commission of said county shall direct, from distributing, selling, storing or withdrawing from storage any

gasoline or motor fuel the sale or withdrawal of which is taxable until such persons shall have complied with the provisions of this Act.

Section 11. Each agent or any railroad company, bus or truck operator or other transportation company or agency operating in such county shall report to the county commission of said county on the first day of January, April, July and October of each year all shipments of gasoline or motor fuel as defined in this Act or substitutes therefor handled by him or through the station or office at which he is the agent, and delivered to any person in such county during the preceding three months, giving the names and address of the consignor or consignee shipping and receiving said gasoline or motor fuel or substitute therefor and the number of gallons or pounds contained in each and every shipment.

Section 12. The proceeds of any tax imposed under authority of this Act shall be paid into a special fund in the county treasury for use as provided in Section 13.

Section 13. Expenditures from the special fund provided for in Section 12 shall be made exclusively for the purpose of construction, improvement and maintenance of public highways and bridges including administrative expenses in connection therewith, the retirement of securities evidencing obligations incurred for payment of costs of such construction, improvement and maintenance, the matching of federal or state funds in the construction of improved roads and bridges in such county in the same manner as other county funds are used to match federal and state funds and for payment of the costs incurred in the administration and enforcement of this Act.

Section 14. Should any section, paragraph or portion of this Act be declared unconstitutional it shall not invalidate the remaining sections, paragraphs or portions hereof.

Section 15. The provisions of this Act are cumulative and shall not be construed to repeal other laws or parts of laws unless such laws or parts of laws are in conflict herewith. All laws or parts of laws which conflict with the provisions of this Act are repealed insofar as such conflicting provisions exist.

Section 16. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Dial	Goodwin	Menton
Bedsole	Dixon	Hand	Parsons
Bennett	Drinkard	Holmes	Smith (B)
Cooley	Ellis	Langford	Strong
deGraffenried	Foshee	Little	Teague
Denton			

—20

Nays:

—0

Senator Denton offered the following amendment to the Bill, H. B. 183, as amended by the substitute, to-wit:

AMENDMENT TO H. B. 183, AS AMENDED BY SUBSTITUTE

Amend House Bill No. 183, as amended by substitute, Page 5, Line 6, by inserting after the word "tion." The other provisions of this section to the contrary notwithstanding, no tax authorized herein shall be levied by the county commission until notice of the intent to levy such tax shall have been published four (4) weeks in a paper of general circulation in such county.

Which was adopted.

Yeas 25; Nays 1.

Yeas:

Senators:	Covington	Foshee	Little
Aldridge	deGraffenried	Goodwin	Menton
Amari	Denton	Hand	Mitchem
Bedsole	Dial	Hilliard	Smith (B)
Bennett	Dixon	Holmes	Strong
Cooley	Drinkard	Langford	Teague
Corbett	Ellis		

—25

Nay: Senator Bailey

—1

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 226. To amend Section 29-4-44, Code of Alabama 1975, which provides for the employment of secretaries employed for the Presiding Officer of each house of the Legislature so as to further provide for additional secretaries.

Also:

H. 407. To authorize the Clerk of the House and the Secretary of the Senate to employ certain legislative personnel.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF H. B. 183

The Senate proceeded to further consideration of the Bill, H. B. 183, as amended by the substitute, as amended.

And said Bill, H. B. 183, as amended by the substitute, as amended, was read a third time at length and lost.

Yeas 8; Nays 22.

Yeas:

Senators:	Denton	Goodwin	Smith (B)
Bedsole	Foshee	Langford	Strong
Cooley			

—8

Nays:

Senators:	Cabaniss	Drinkard	Little
Aldridge	Corbett	Ellis	Menton
Amari	Covington	Figures	Mitchem
Bailey	deGraffenried	Hand	Parsons
Barron	Dial	Hilliard	Teague
Bennett	Dixon	Holmes	

—22

Senator Hand moved that the Senate reconsider the vote by which the Bill, H. B. 183, as amended by the substitute, as amended, was lost, and further moved that the motion to reconsider be laid on the table. The motion to table lost.

The question was then on the motion to reconsider.

On motion of Senator Goodwin, further consideration of the motion to reconsider, was postponed subject to the call of the Chair.

RESOLUTIONS

Senators Hilliard, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Goodwin, Hand, Holmes, Langford, Little, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), Strong, and Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 176. WELCOMING, IN COMMENDATION, PRESIDENT JIMMY CARTER TO THE STATE OF ALABAMA.

WHEREAS, James Earl (Jimmy) Carter, our nation's 39th President, was the first president from the Deep South to be elected in more than one hundred years; and

WHEREAS, a native of our neighboring State of Georgia, President Carter attended Georgia Institute of Technology in Atlanta and graduated from the United States Naval Academy at Annapolis, serving in the Navy's nuclear submarine program as an aide to Admiral Hyman Rickover; and

WHEREAS, President Carter served as Chief Executive from 1977 to 1981, during which term he was instrumental in the peace negotiations between Israel and Egypt, and ultimately was successful in obtaining the release of the 52 Americans held hostage in Iran; and

WHEREAS, we have learned with pleasure that President Carter shortly will be visiting the State of Alabama for the purpose of addressing students at Samford University Law Day Activities; it is a visit we greatly anticipate and we indeed welcome President Jimmy Carter to our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend President Jimmy Carter from the Deep South State of Georgia and, on behalf of all Alabamians, extend to him a sincere warm welcome to Birmingham and to Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be pro-

vided for President Carter and presented in token of a friendship we value most highly.

On motion of Senator Hilliard, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Barron offered the following Senate Joint Resolution, to-wit:

S. J. R. 177. CREATING THE HUNTSVILLE SCHOOL BOARD STUDY TASK FORCE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Huntsville School Board Study Task Force. Each member of the Madison County Legislative Delegation shall appoint one member to the task force, and each school board member of the City of Huntsville shall appoint one member. All appointees shall reside within the corporate limits of Huntsville.

The Chairman shall be elected from among its members and shall preside over all meetings. The Task Force shall make its own rules for the conduct of business. The initial meeting shall be held at the call of the Chairman of the Madison County Legislative Delegation. Members of the Task Force shall serve without compensation. Administrative and clerical assistance shall be available from the Madison County Legislative Office.

The purpose of the Task Force shall be to study various forms of selecting school board members for the City of Huntsville.

The Task Force shall make its recommendations in writing to the Madison County Legislative Delegation within twelve months of the effective date of this act, at which time it shall be discharged of any further responsibilities or duties.

Which was read and referred to the Standing Committee on Rules.

Senator Hilliard offered the following Senate Joint Resolution, to-wit:

S. J. R. 178. CREATING THE ALABAMA MUNICIPAL TRADE MART COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Alabama Municipal Trade Mart Commission. Such commission shall investigate and study from all angles the feasibility of setting up a trade mart in Birmingham. Such trade mart shall consist of land for product markets, exhibition halls, buildings and other related structures where products and goods may be displayed to encourage the buying and selling of such products and goods, to encourage the expansion of existing industries in Alabama, to encourage the location of new industries in Alabama, and to foster and encourage the growth of the general economy of Alabama. The commission shall particularly investigate ways and means of funding such marts and shall evaluate the benefits that may be derived therefrom, and weigh them against the costs of acquiring, establishing and maintaining such marts.

The commission shall be composed of nine members, who shall be residents of Birmingham. The mayor of Birmingham shall appoint five (5) members of the commission and the Birmingham Area Chamber of Commerce shall appoint four (4) members of the commission.

Members of the commission shall receive no compensation for serving on such commission.

The commission shall report its findings, conclusions and recommendations to the Jefferson County Senate Delegation not later than the first legislative day of the next regular session, at which time the commission shall be abolished.

Which was read and referred to the Standing Committee on Rules.

Senators Teague and Goodwin offered the following Senate Joint Resolution, to-wit:

S. J. R. 179. RATIFYING THE OCTOBER 14, 1983, AGREEMENT OF MUTUAL ASSISTANCE BETWEEN THE CHINA EXTERNAL TRADE DEVELOPMENT COUNCIL OF THE REPUBLIC OF CHINA AND THE STATE OF ALABAMA OF THE UNITED STATES OF AMERICA.

WHEREAS, in October 1983, an agreement was entered into between the China External Trade Development Council, hereinafter referred to as Council, and the State of Alabama, hereinafter referred to as State; and

WHEREAS, said Agreement, signed on October 14, 1983, by Kwang-Shih Change, Chairman of the Board of Directors of the Council, and by George C. Wallace, Governor of the State of Alabama, was entered in anticipation of, and dependent upon, resolutions being passed by the State and the Council ratifying said Agreement; and

WHEREAS, said Agreement reads as follows, to-wit:

“WHEREAS, it is established that there is a great mutuality of interest in areas of social, economic, educational and cultural programs, and the conduct of such programs would bring our citizens closer together and strengthen international understanding and that it is the development of such mutuality of interest that is the most desired bond for common benefit; and

“WHEREAS, the acknowledgement of mutual friendship, understanding and goodwill would serve to enhance future trade development efforts between Taiwan, the Republic of China, and the State of Alabama; and

“WHEREAS, the Council and the State of Alabama each believe that the encouragement and promotion of trade is essential to an effective economic development program;

“IT IS THEREFORE MUTUALLY AGREED AS FOLLOWS:

“1. The Council and the State shall each take necessary steps to exchange trade and market information and to disseminate to the businessmen of the two countries information on the goods and services that are available from the other country.

“2. Both parties shall notify and assist each other in the holding of trade exhibitions, or fairs, of products of the two countries.

“3. Special effort shall be taken to continue to identify particular products and commodities which should be traded between Taiwan, the Republic of China, and Alabama.

“4. Frequent exchange visits shall be sponsored and promoted for delegations and businessmen of the two parties, and cooperation and assistance shall be extended to the visitors so sponsored by the other party.

"5. All such steps as may be necessary and feasible shall be taken to promote the trade and economic cooperation between the two parties.

"6. This Agreement may be terminated by either party without limitations upon ninety (90) days' written notice."; and

WHEREAS, the Alabama Legislature unanimously concurs in the mutual agreement of Council and State as hereinabove stated; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby formally approve, sanction and ratify the October 14, 1983, AGREEMENT OF MUTUAL ASSISTANCE BETWEEN THE CHINA EXTERNAL TRADE DEVELOPMENT COUNCIL OF THE REPUBLIC OF CHINA AND THE STATE OF ALABAMA OF THE UNITED STATES OF AMERICA.

On motion of Senator Goodwin, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Goodwin offered the following Senate Joint Resolution, to-wit:

S. J. R. 180. INVITING "JULIA TUTWILER," AS PORTRAYED BY MRS. KATHRYN TUCKER WINDHAM, TO PERFORM FOR A JOINT SESSION OF THE ALABAMA LEGISLATURE.

WHEREAS, the late Julia Strudwick Tutwiler, an Alabamian of great historical prominence, was the forerunner of today's involved women whose impact is felt in areas pioneered by Miss Tutwiler as long ago as 1880, during an era of Alabama's statehood in which politics were for men only; and

WHEREAS, an ardent advocate of educational opportunities for women, Miss Tutwiler also was an early champion for prison reform, whose crusade in cause fostered the movement for separate prisons for men and women and for reformatories for youthful offenders; and

WHEREAS, she further was a teacher and later president of Alabama Normal College at Livingston, established Alabama's first kindergarten and was the author of the words of our State song, "Alabama"; and

WHEREAS, though her name appears frequently in State annals, Miss Tutwiler's name also is emblazoned on the only major prison facility for women in the State of Alabama, thus commemorating the life of a great lady whose major legacy was to the women of our State; and

WHEREAS, for the benefit of the Julia Tutwiler State Prison For Women, and specifically for the construction of a prison chapel, another famous Alabama lady, Mrs. Kathryn Tucker Windham of Selma, has written a one-act play in which she performs the role of "Julia Tutwiler"; all proceeds from the benefit performance on May 10, 1984, at Montgomery's Huntingdon College will be allocated to the Tutwiler Chapel Fund; and

WHEREAS, it is the desire of the Legislature that in nostalgia, "Julia Tutwiler" should once again visit our Capitol where she lobbied so many years ago, a "gentle" lady who battled alone in the political arena of the 1880's; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein extend an invitation for "Miss Julia Tutwiler," as portrayed by Mrs. Kathryn Windham, to appear before a Joint Session of the Alabama Legislature, at a date and time to be set, and at Mrs. Windham's convenience.

BE IT FURTHER RESOLVED, That in invitation, the Secretary of the Senate shall forward a copy of this resolution to Mrs. Windham.

Which was read and referred to the Standing Committee on Rules.

MOTIONS IN WRITING

Senator Barron offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 380, on page 108 of the Twentieth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 380, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Langford offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 266, on page 96 of the Twentieth Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 266, referred to the Standing Committee on Rules for placement on the Consent Calendar.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills, respectively, and finds same correctly engrossed, to-wit:

S. 336. To require that all nonresident aliens that own or lease agricultural land, or engage in farming within Alabama must annually report to the Commissioner of Agriculture and Industries, and to establish penalties for failure to report.

Also:

S. 430. To provide for the payment of tuition and the cost of textbooks for an undergraduate student in a state college, state community college, state junior college, state technical college, or state university, who is the dependent child or spouse who has not remarried, of a law enforcement officer or firefighter killed in the line of duty; to create a Tuition Eligibility Board to administer the provisions of the act and appointments and memberships; and to prescribe its composition, duties and responsibilities; to appropriate sufficient funds from the general fund of the state treasury; and to specifically repeal Act No. 82-277, S. 237 of the 1982 Regular Session (Acts 1982, p. 348), which is the "Policeman's Survivor Act" and conflicting laws; and to make the provisions retroactively effective.

CHARLES BISHOP,
Chairperson.

MOTION TO RECOMMIT

Senator Smith (B) moved that the Bill, H. B. 87, be recommitted to the Standing Committee on Local Legislation No. 1.

Senator Denton moved that further consideration of the motion to recommit be postponed.

On motion of Senator Smith (B), the motion to postpone was laid on the table.

Yeas 17; Nays 0.

Yeas:

Senators:	Cooley	Goodwin	Menton	
Bailey	Covington	Hand	Smith (B)	
Bedsole	Denton	Hilliard	Smith (J)	
Bishop	Drinkard	Little	Teague	
Cabaniss	Foshee			—17

Nays: —0

The question was then on the motion of Senator Smith (B), that the Bill, H. B. 87, be recommitted to the Standing Committee on Local Legislation No. 1.

Senator Cooley offered a substitute motion that further consideration of the motion to recommit be postponed until the Twenty-First Legislative Day.

On motion of Senator Smith (B), the motion to postpone until the Twenty-First Legislative Day was laid on the table.

Yeas 10; Nays 8.

Yeas:

Senators:	Cabaniss	Goodwin	Menton	
Bailey	Denton	Hand	Smith (B)	
Bedsole	Dial	Little		—10

Nays:

Senators:	Covington	Hilliard	Smith (J)	
Bishop	Foshee	Parsons	Strong	
Cooley				—8

SENSE OF THE SENATE

The President and Presiding Officer of the Senate called for the Sense of the Senate on the following question:

“Should this Bill, for this day, be sent back to the Committee on Local Legislation No. 1 for further consideration?”

Yeas 9; Nays 11.

Yeas:

Senators:	Bedsole	Hand	Little	
Bailey	Cabaniss	Holmes	Smith (B)	
Barron	Denton			—9

Nays:

Senators:	Covington	Goodwin	Parsons	
Bishop	Figures	Hilliard	Smith (J)	
Cooley	Foshee	Langford	Strong	—11

Therefore, the President and Presiding Officer declared that the Bill, H. B. 87, retain its position on the Calendar.

The question was then on the motion of Senator Smith (B), that the Bill, H. B. 87, be recommitted.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bill and Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 11

S. J. R. 157

S. J. R. 158

S. J. R. 165

S. J. R. 166

Delivered to the Governor April 19, 1984, at 2:15 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 5:30 P.M., on motion of Senator Foshee, and pending further consideration of the Bill, S. B. 426, and upon reaching the order of business of Motions and Resolutions, the pending motion to recommit the Bill, H. B. 87, the Senate adjourned until Tuesday, April 24, 1984, at 1 o'clock P.M.

TWENTY-FIRST LEGISLATIVE DAY**TUESDAY, APRIL 24, 1984**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by Doctor John L. Smith, Pastor, Dalraida Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Laurie Estes, Goodwyn Junior High School, Montgomery, Alabama.

ROLL CALL

Present:

Senators:	Cabaniss	Ellis	Menton
Aldridge	Cooley	Figures	Mitchem
Amari	Corbett	Foshee	Parsons
Bailey	Covington	Goodwin	Pearson
Barron	deGraffenried	Hand	Sanders
Bedford	Denton	Hilliard	Smith (B)
Bedsole	Dial	Holmes	Smith (J)
Bennett	Dixon	Langford	Strong
Bishop	Drinkard	Little	Teague

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JOURNAL

On motion of Senator Teague, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twentieth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Twentieth Legislative Day was approved by the Senate.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Hilliard:

S. 606. To provide that certain prior service as a municipal court

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judge or municipal attorney may be counted toward retirement as a circuit judge.

Committee on Finance and Taxation.

By Senator Ellis (With Notice and Proof):

S. 607. To amend the title and sections 1, 2, 5, 6, 8, 9, 10, 11, 12, 13 and 15 of Act No. 82-693, H. 57 of the Second Special Session of 1982 (Acts 1982, p. 144) which created and established the Shelby County Planning Commission, so as to provide further for the membership, organization, authority and function of the commission and to specifically repeal section 16 of said act which provided for ratification, validation and approval of Act No. 816 approved September 2, 1965 and actions taken by the Shelby County Planning Commission, officials and electors of the county as of the date they were taken.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 607, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hilliard:

S. 608. To provide that certain prior service as a member of the Alabama State Legislature may be counted toward retirement as a circuit judge.

Committee on Finance and Taxation.

By Senator Foshee:

S. 609. To provide that a physician shall have a lien upon any cause of action accruing to any injured person to whom such physician furnishes care and treatment; to provide the means of perfecting said liens; to provide for the time in which such lien must be filed and suit brought thereon; to provide no release or settlement of any such cause of action shall be effective as or against such lien unless such physician or his assign shall join therein or execute a release therefor; to provide for the filing of such lien; to provide that acceptance of release or satisfaction of any cause of action, suit, claim, counterclaim, demand or judgment in any settlement or in the absence of release or satisfaction of the lien shall prima facie constitute impairment of such lien, and to give the lienholder right of action at law for damages on account of such impairment; to provide for recovery from one accepting a release or satisfaction or making settlement; to accept monies due under the Workmen's Compensation Laws from the provisions herein and to repeal conflicting laws.

Committee on Judiciary.

By Senators Bedford, Foshee, and Teague:

S. 610. To provide, in addition to benefits now received, a graduated percentage cost-of-living increase to all probate judges retired under the Judicial Retirement Fund of Alabama, prior to October 1, 1983; and to provide for the repeal of conflicting laws.

Committee on Finance and Taxation.

By Senators Foshee and Bedford:

S. 611. To amend Sections 11-54-170 and 11-54-171, Code of Alabama 1975, which authorize and make provisions for the incorporation in any Class 1, Class 2 or Class 3 municipality, of Commercial Development Authorities for the purpose of promoting trade and commerce, so as also to provide for the incorporation of such authorities in any Class 7 or Class 8 municipality.

Committee on Industrial Expansion,
Economic Growth, and Jobs.

By Senators Strong and Parsons:

S. 612. To repeal Section 16-1-26, Code of Alabama, 1975, relating to salaries of school board members.

Committee on Buildings and Grounds.

By Senator Smith (J):

S. 613. To authorize and provide for the promotion of the production, marketing, use and sale of wheat, corn, grain sorghum, and oats and wheat, corn, grain sorghum, and oats products by research, education, advertising and other methods; and prescribing a method whereby wheat, corn, grain sorghum, and oat producers may act jointly with handlers, buyers, processors, the State Board of Agriculture and Industries, and others, for a promotional program; providing that producers may by referendum levy upon themselves assessments for financing a promotional program and for the collection, disbursements and expenditures of funds collected from assessments, the regulations, requirements and authority relative thereto; providing for nonassessments, or refund of assessments; prescribing duties of the Commissioner of Agriculture and Industries and the State Board of Agriculture and Industries with respect to a promotional program for the wheat, corn, grain sorghum, and oats producers of Alabama; and providing for the administration thereof by a nonprofit association which is fairly and substantially representative of the producers of wheat, corn, grain sorghum, and oats throughout the State; and providing for collection and distribution of assessments by dealers, handlers, and buyers of wheat, corn, grain sorghum, and oats; requiring an annual permit of such dealers, processors, and other buyers; and other administrative, enforcement, promotional, and penalty provisions.

Committee on Agriculture,
Conservation, and Forestry.

By Senator Smith (J):

S. 614. To propose an amendment to the Constitution of 1901, authorizing the Legislature to provide for promotion of production, distribution, marketing, use, improvement and sale of wheat and other feed grains as defined and authorized by the Legislature.

Committee on Agriculture,
Conservation, and Forestry.

The above Bill was read a first time at length as required by the Constitution.

By Senator Bennett (With Notice and Proof):

S. 615. Relating to the City of Homewood; to provide for the zoning of certain property.

Committee on Local Legislation No. 2.

I hereby certify that the notice and proof is attached to the Bill, S. B. 615, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Parsons:

S. 616. To require that individuals or agencies which make certain reports, studies or investigations of individuals, particularly with regard to the character, reputation or credit rating of an individual, to send a complete copy of any such report to the individual being studied, reported or investigated, which report shall identify all sources of information contained therein, and to provide for a fine of \$10,000.00 for failure to comply with the requirements of this act.

Committee on Judiciary.

By Senator Menton:

S. 617. To amend Section 17-4-156, Code of Alabama 1975, so as to standardize all activities of the various boards of registrars so that there will be conformity throughout the state in number of days allocated, number of members authorized and reimbursement for services.

Committee on Governmental Affairs.

RESOLUTIONS

Senator Bedford offered the following Senate Resolutions, to-wit:

S. R. 181. COMMENDING COACH BILLY RAPER OF PHILLIPS HIGH SCHOOL, BEAR CREEK, ALABAMA.

Also:

S. R. 182. COMMENDING MR. LOYD B. KILLINGSWORTH OF HAMILTON, ALABAMA, UPON HIS RETIREMENT.

Which were adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Dutton (With Notice and Proof):

H. 678. To provide an annual supplemental retirement benefit to the retired district and circuit judges of the 36th Judicial Circuit, payable from the county treasury of the county comprising said circuit; to provide that the circuit and district court judge holding office on the effective date of this act may elect to come under this act and that any circuit or district

court judge hereafter elected or appointed to office shall come under its provisions as a matter of law; to provide that said participating judges shall contribute to the county treasury a portion of their county salary supplement in order to qualify for the benefits provided herein; to provide that said judges shall begin drawing the additional retirement benefits provided herein at the time they qualify for and begin receiving benefits from the state judicial retirement fund; to provide that said participating judges may elect to withdraw contributions plus interest from the county treasury should their judicial service be terminated prior to becoming eligible for the benefits provided herein, or may elect to leave said contributions with the county treasury until such time as they attain a retirement age and become eligible to receive the benefits provided herein; to provide for a return of contributions, or any remaining portion thereof, to the estate of a participating judge should such judge die prior to becoming eligible for the benefits provided herein or prior to recouping all of his contributions; and to provide an effective date.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 678, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Clark (D), Goodwin, and Starkey (With Notice and Proof):

H. 757. Relating to Lauderdale County; designating the combination of offices of tax assessor and tax collector, pursuant to Act No. 81-606, H. 1084, 1981 Regular Session, as the Revenue Commissioner; providing further for the compensation, term, election and temporary appointment of said office.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 757, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. White (F) (With Notice and Proof):

H. 776. Relating to Escambia County; to amend Section 8 of Act No. 565, H. 967 of the 1953 Regular Session of the Alabama Legislature, which relates to privilege licenses, so as to increase the compensation of the inspector employed to assist the Judge of Probate in the enforcement of the provisions of said act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 776, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

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Also:

By Rep. Trammell (With Notice and Proof):

H. 695. Relating to Jefferson County; to amend Section 2 of Act No. 681, H. 505 of the 1977 Regular Session of the Alabama Legislature, (Acts 1977, p. 1181), relating to the compensation of the executive assistant to the sheriff of Jefferson County so as to provide further for said compensation of the executive assistant; and to repeal Act No. 83-589 of the 1983 Regular Session.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 695, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 678, 757, and 776. To the Committee on Local Legislation No. 1.

H. B. 695. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Reps. Onderdonk and Marietta:

H. 215. To amend Section 1 of Act No. 83-889, Fourth Special Session of 1983, so as to define "Discovery well", "Development wells", "On-shore well", "Replacement well", "Commenced", "Completion" and "Pool", and to amend Section 2 of Act No. 83-889, Fourth Special Session of 1983, so as to provide that all oil and gas produced from onshore discovery wells, all oil and gas produced from onshore development wells on which drilling commenced within four years of the completion date of the discovery well and producing from a depth of 6,000 feet or greater, and all oil and gas produced from onshore development wells on which drilling commenced within two years of the completion date of the discovery well and producing from a depth less than 6,000 feet shall be taxed at a rate of six (6) percent of the gross value of said oil and gas at the point of production for a period of five (5) years from the date production begins from said discovery and development wells, provided that said discovery and development wells were permitted by the State Oil and Gas Board of Alabama after July 1, 1984; and providing further that the six (6) percent tax rate applicable to a discovery well or development well shall be applicable to any replacement well drilled to replace the discovery well or the development well during the

six-percent, five-year, tax-rate period for only the remainder of the said tax-rate period.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 215. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Coburn:

H. 591. To repeal Act No. 80-90 of the 1980 Regular Session of the Alabama Legislature; to prohibit any further transfers from the state insurance fund pursuant to Act No. 80-90; and to provide for the transfer back of funds heretofore transferred from the state insurance fund pursuant to Act No. 80-90, by the State Finance Director with approval of the Governor.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 591. To the Committee on Buildings and Grounds.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Coburn:

H. 178. To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1985.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 178. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 223. To repeal Sections 4-2-30, 4-2-31, 4-2-32, 4-2-35, 4-2-35.1 and 4-2-36 of the Code of Alabama 1975, relating to the creation, composition, appointment and function of the Alabama department of aeronautics and the Alabama aeronautics commission, and the powers, duties, qualifications and functions of the director of aeronautics and the assistant director of aeronautics; so as to abolish the Alabama department of aeronautics and the Alabama aeronautics commission and to transfer all duties, powers, responsibilities, authorities and functions thereof to the state highway department; and to establish an aeronautics division of the state highway department; and to create the position of supervisor of the aeronautics division of the state highway department; and to create the aeronautics board to serve in an advisory capacity to the aeronautics division of the state highway department, and to supervise and authorize all real estate transactions, whether conveyance, lease, or otherwise and to supervise all funds, monies and investments of the aeronautics division of the state highway department, and provide for the appointment, duties and compensation of the board members; to repeal all laws or parts of laws in conflict herewith; and to provide for the effective date of this Act.

JOHN W. PEMBERTON,
Clerk.

MOTION IN WRITING

Senator Little offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 421, on page 68 of the Twenty-First Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 421, referred to the Standing Committee on Rules for placement on the Consent Calendar.

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following Enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 11. CREATING AN INTERIM LEGISLATIVE COMMITTEE TO ASSESS THE NON-FEDERAL ASPECTS AND RESPONSIBILITIES INVOLVED IN COMPLETING THE COOSA RIVER NAVIGATION PROJECT.

Also:

S. J. R. 146. COMMENDING THE MONTGOMERY CHAPTER OF PROFESSIONAL SECRETARIES INTERNATIONAL.

Also:

S. J. R. 148. AMENDING ACT NO. 83-339, S. J. R. 47, 1983 REGULAR SESSION, WHICH CREATED A JOINT INTERIM LEGISLATIVE COMMITTEE ON THE ARTS AND HUMANITIES.

Also:

S. J. R. 154. COMMENDING C. F. VIGOR HIGH SCHOOL, PRICHARD, ALABAMA.

Also:

S. J. R. 170. CREATING THE HUNTSVILLE GOVERNMENTAL STUDY TASK FORCE.

Also:

S. J. R. 172. COMMENDING MRS. FAY BUNCH, STATE PRESIDENT OF THE VETERANS OF FOREIGN WARS LADIES AUXILIARY.

CHARLES BISHOP,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

RESOLUTIONS

Senator Little offered the following Senate Resolutions, to-wit:

S. R. 183. MOURNING THE DEATH OF MRS. RAY NELL JONES OF AUBURN, ALABAMA.

Also:

S. R. 184. COMMENDING MR. PAT LITTLE ON HIS DISTINGUISHED CAREER WITH THE STATE HIGHWAY DEPARTMENT.

Which were adopted.

Senator Aldridge offered the following Senate Joint Resolution, to-wit:

S. J. R. 185. CREATING A LEGISLATIVE TASK FORCE TO THOROUGHLY STUDY AND CONSIDER ABUSE AND NEGLECT OF CHILDREN IN THE STATE OF ALABAMA, AND TO REQUIRE THAT SAID TASK FORCE SHALL REPORT TO THE LEGISLATURE ITS FINDINGS, CONCLUSIONS AND RECOMMENDATIONS.

WHEREAS, in recent weeks this country was shocked and dismayed of criminal charges being brought against seven (7) staff members of a pre-school childcare center in Manhattan Beach, California for the sexual molestation and abusive treatment of children entrusted to the school's care; and

WHEREAS, more recently it was learned that a Grand Jury in Cullman County, Alabama had returned indictments against three (3) former

employees of the Childhaven children's home in Vinemont, Alabama for the abuse, neglect and sexual exploitation of children residing at the home; and

WHEREAS, the Journal of Emergency Nursing reported that physical abuse is a greater killer of children between ages of six (6) months and twelve (12) months than any specific cancers, malformation or infectious disease, and child abuse is second only to traffic accidents as a killer of young children causing the death of some 2,000 children annually; and

WHEREAS, in Alabama there were 24,000 reported cases of child abuse in 1983 and knowledgeable authorities estimate that only half of the actual cases of child abuse and only 10% of all sexual abuse cases were reported; and

WHEREAS, the number of child abuse cases is growing at an alarming rate in Alabama and the nation as a whole, with an annual increase of seventeen (17%), and nationwide the number of incidents of child abuse has doubled in five (5) years; and

WHEREAS, in addition to the increases in number, authorities report that there has been a sharp rise in the severity of the cases reported and investigated; and

WHEREAS, it is the intent of the Alabama Legislature to insure the health, safety and welfare of the children of this State, and to take every possible measure conceivable to prevent occurrences of physical abuse, sexual exploitation and neglect of Alabama's children; and

WHEREAS, recent occurrences coupled with frightening trends reveal a serious and present need to have a legislative task force study and consider in a comprehensive manner child abuse and neglect in the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a legislative task force to be comprised in the following manner: the Chairman of the Senate Health and Welfare Committee who will serve as Chairperson of the task force, one member of the Senate to be appointed by the Lieutenant Governor, one member of the House of Representatives to be appointed by the Speaker of the House, the Commissioner of the State Department of Pensions and Securities, the Executive Director of the Child Abuse and Neglect Prevention Board as created by Act No. 83-735, one member to be appointed by the Chief Justice of the Alabama Supreme Court, and one member to be appointed by the State Superintendent of Education. A vice chairman of the task force shall be elected at the first meeting by the members of the task force. The task force shall thoroughly study, investigate and consider abuse, neglect and sexual exploitation of children in Alabama and develop recommendations, proposals and strategies for the prevention of the same.

Upon the request of the Chairman, the Secretary of the Senate and the Clerk of the House of Representatives shall provide such clerical assistance as may be necessary for the task force's work. The task force shall report its findings, conclusions and recommendations to the Legislature not later than the 15th legislative day of the 1985 Regular Session, whereupon the task force shall be dissolved. Each member of the task force who is a member of the Legislature shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the task force, which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisi-

tions signed by the task force's chairman. Total expenditures for the legislative members of the task force shall not exceed \$7,000.00. All members of the task force who are not members of the Legislature shall receive no compensation other than their normal and customary compensation, but shall be entitled to receive per diem and travel expenses for each day he attends a meeting of the task force, which shall be paid through the appropriate department of State Government for which the member is employed.

On motion of Senator Aldridge, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Coburn:

H. 230. To make appropriations for financial assistance to non-state agencies for the fiscal year ending September 30, 1985.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 230. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Coburn:

H. 229. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, and for capital outlay for the fiscal year ending September 30, 1985.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 229. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. White (F):

H. 199. To amend Section 36-23-1, Code of Alabama 1975, relating to the number of constables for each county, so as to permit any county, by local legislation to abolish such office in that county.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 199. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Turnham:

H. 47. Relating to the Alabama Uniform Certificate of Title and Antitheft Act; to amend Section 32-8-41, Code of Alabama 1975, so as to eliminate the requirement of the state department of revenue to issue a non-transferable duplicate certificate of title for mailing to the owner to serve as a permit for the operation of a motor vehicle; and to amend Section 32-8-38, Code of Alabama 1975, so as to provide that the owner's permit copy of the application for certificate of title be retained by the owner as a nonnegotiable document as evidence of ownership and as a permit for the operation of a motor vehicle in order to eliminate the use of a form that duplicates the effects of another form.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 47. To the Committee on Judiciary.

RESOLUTIONS

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 186. COMMENDING MR. DENNIS O. BRAGG OF TONEY, ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

Also:

S. R. 187. COMMENDING MR. JAMES R. McCOWN FOR OUTSTANDING COMMUNITY SERVICE.

Which were adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Blakeney, Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (F), White (G), White (L) and Zoghby:

H. J. R. 279. MOURNING THE DEATH OF STATE REPRESENTATIVE GEORGE H. GRIMSLEY OF HALEBURG, HENRY COUNTY, ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 279, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Hall:

H. J. R. 277. COMMENDING COACH RALPH C. CHAMPION AND NAMING THE NEW GYM AT CENTRAL JUNIOR HIGH SCHOOL, MADISON COUNTY, ALABAMA, "THE RALPH C. CHAMPION GYM".

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 277, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Holley, Starkey, Rice, Box, Cosby, Coleman and White (F):

H. J. R. 268. DIRECTING THE COMMISSIONER OF REVENUE TO CEASE AND DESIST FROM HARASSING COIN-OPERATED AND SELF-SERVE LAUNDRIES AND ENFORCING COLLECTIONS PURSUANT TO TAXES WHICH HAVE BEEN REPEALED.

WHEREAS, The Alabama Legislature has received many complaints from citizens throughout the State, who earn a living by owning or operating coin-operated and self-service laundries, that the Office of the Commissioner of Revenue has attempted to and in some cases, has collected back-taxes which are neither owed nor due under the law; and

WHEREAS, Section 40-12-176, Code of Alabama 1975, which sets a graduating scale of sales for taxes due, in paragraph (p) specifically exempts "coin-operated or self-serve laundries" and the fee for such machines is "\$8.00"; and

WHEREAS, the Alabama Legislature is informed that the Office of the Commissioner of Revenue has erroneously or illegally ignored the provisions of Section 40-12-176, or is implementing said section erroneously or illegally; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby direct that the Commissioner of Revenue and the employees of the Department of Revenue cease and desist forthwith from implementing or collecting taxes pursuant to Section 40-12-176, Code of Alabama 1975, erroneously, illegally and in bad faith, so as to allow the true legislative intent of exemption from the graduated tax for coin-operated and self-serve laundries.

RESOLVED FURTHER, That we do direct the Clerk of the House to send a copy of this resolution to the Governor and to the Commissioner of Revenue.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 268, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Cosby:

H. J. R. 271. COMMENDING MRS. FAY BUNCH, STATE PRESIDENT OF THE VETERANS OF FOREIGN WARS LADIES AUXILIARY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 271, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Reps. White (F), Adams, Albright, Bachus, Beers, Biddle, Black, Blake, Blakeney, Boles, Bowling, Box, Brakefield, Britnell, Brooks, Browder, Bryant, Bugg, Burke, Buskey (James), Buskey (John), Butler, Campbell, Carothers, Carter, Clark (D), Clark (J), Clark (W), Coburn, Coleman, Cosby, Crow, Davis, Drake, Dutton, Escott, Faulk, Flowers, Ford, Fuller, Gaston, Goodwin, Gray, Grayson, Grimsley, Grouby, Hall, Hammett, Harper, Harvey, Hettinger, Holley, Holmes, Hooper, Horn, Johnson (R.G.), Johnson (Roy), Junkins, Kennedy, Kvalheim, Laird, Lauderdale, Lindsey, McDowell, McKee, McMillan, McNair, Marietta, Martin, Mathis, Melton, Mikell, Mitchell, Moore, Newman, Nicholson, Onderdonk, Parker, Payne, Penry, Perdue, Poole, Pratt, Preuitt, Rains, Reed, Rice, Richardson, Rogers, Sasser, Seibels, Smith, Spratt, Starkey, Starr, Tanner, Thomas, Trammell, Turner, Turnham, Venable, Warren, White (G), White (L) and Zoghby:

H. J. R. 264. COMMENDING OUR GRACIOUS CAPITOL HOSTESS, MRS. MARIE WALKER.

Also:

By Reps. Turnham and Rice:

H. J. R. 267. CONGRATULATING DR. JAMES E. MARTIN, PRESIDENT, AUBURN UNIVERSITY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 264 and 267, set out in the foregoing Message from the House, were read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Payne, Laird, Faulk, Rains, Seibels, Beers, White (G), White (F), Harper, Martin, Zoghby, Mikell, Campbell, Fuller, White (L), Coleman, Britnell, Dutton, Butler, Starr, Holley, Hooper, McMillan, Penry, Blakeney, and Coburn:

H. J. R. 270. CREATING THE LEGISLATIVE VOTING SECURITY INTERIM STUDY COMMITTEE OF THE HOUSE OF REPRESENTATIVES.

WHEREAS, the House Rules, numbers 30 and 38, specifically prohibit any person voting for another legislator; and

WHEREAS, a legislator's vote is his most sacred and individual responsibility in representing his people and another person voting for a legislator is tantamount to an invasion of privacy and stealing; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby create the Legislative Voting Security Interim Study Committee of the House of Representatives which shall be charged with the duties to investigate, study and consider measures which will eliminate the gross abuses of voting security for legislative members in the Alabama House of Representatives and restore their individual rights to vote.

RESOLVED FURTHER, That the committee shall be composed of five members of the House of Representatives, appointed by the Speaker of the House, who shall each receive their legislative per diem from funds appropriated to the use of the Legislature not to exceed \$8,000.00.

BE IT FURTHER RESOLVED, That the said committee shall give its written recommendations to the full body of the House of Representatives by the 5th legislative day of the Regular Session, 1985, at which time the committee shall stand discharged from any further duties and shall be dissolved.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 270, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holmes:

H. J. R. 269. WE CALL UPON THE STATE CAPITOL POLICE TO PUT FORTH EFFORTS TO HIRE BLACK CITIZENS OF THIS STATE WHEN FUTURE VACANCIES OCCUR.

WHEREAS, various departments in the state have put forth serious efforts to assure equal employment opportunities for all citizens in the state, and

WHEREAS, the State Capitol Police department has not lived up to this philosophy of equal employment opportunities for all citizens in this state, and

WHEREAS, the State Capitol Police department has approximately 28 whites and three blacks in its department, and

WHEREAS, many efforts and conversations have taken place with the State Capitol Police to encourage them to assure equal employment opportunities for all citizens, and

WHEREAS, the last eight employees hired by the State Capitol Police have been white,

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we call upon the State Capitol Police department to put forth efforts to hire black citizens of this state when future vacancies occur; and

BE IT FURTHER RESOLVED, That it is an embarrassment to the

nineteen black members of the House of Representatives and five black members of the Senate for a state capitol agency to have engaged in a pattern and practice of racial discrimination in employment as has the State Capitol Police.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 269, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Clark (J), Coleman, Lindsey, Richardson and Box:

H. J. R. 273. RATIFYING THE OCTOBER 14, 1983, AGREEMENT OF MUTUAL ASSISTANCE BETWEEN THE CHINA EXTERNAL TRADE DEVELOPMENT COUNCIL OF THE REPUBLIC OF CHINA AND THE STATE OF ALABAMA OF THE UNITED STATES OF AMERICA.

WHEREAS, in October 1983, an agreement was entered into between the China External Trade Development Council, hereinafter referred to as Council, and the State of Alabama, hereinafter referred to as State; and

WHEREAS, said Agreement, signed on October 14, 1983, by Kwang-Shih Chang, Chairman of the Board of Directors of the Council, and by George C. Wallace, Governor of the State of Alabama, was entered in anticipation of, and dependent upon, resolutions being passed by the State and the Council ratifying said Agreement; and

WHEREAS, said Agreement reads as follows, to-wit:

“WHEREAS, it is established that there is a great mutuality of interest in areas of social, economic, educational and cultural programs, and the conduct of such programs would bring our citizens closer together and strengthen international understanding and that it is the development of such mutuality of interest that is the most desired bond for common benefit; and

“WHEREAS, the acknowledgement of mutual friendship, understanding and goodwill would serve to enhance future trade development efforts between Taiwan, the Republic of China, and the State of Alabama; and

“WHEREAS, the Council and the State of Alabama each believe that the encouragement and promotion of trade is essential to an effective economic development program;

“IT IS THEREFORE MUTUALLY AGREED AS FOLLOWS:

“1. The Council and the State shall each take necessary steps to exchange trade and market information and to disseminate to the businessmen of the two countries information on the goods and services that are available from the other country.

“2. Both parties shall notify and assist each other in the holding of trade exhibitions, or fairs, of products of the two countries.

"3. Special effort shall be taken to continue to identify particular products and commodities which should be traded between Taiwan, the Republic of China, and Alabama.

"4. Frequent exchange visits shall be sponsored and promoted for delegations and businessmen of the two parties, and cooperation and assistance shall be extended to the visitors so sponsored by the other party.

"5. All such steps as may be necessary and feasible shall be taken to promote the trade and economic cooperation between the two parties.

"6. This Agreement may be terminated by either party without limitations upon ninety (90) days' written notice."; and

WHEREAS, the Alabama Legislature unanimously concurs in the mutual agreement of Council and State as hereinabove stated; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby formally approve, sanction and ratify the October 14, 1983, AGREEMENT OF MUTUAL ASSISTANCE BETWEEN THE CHINA EXTERNAL TRADE DEVELOPMENT COUNCIL OF THE REPUBLIC OF CHINA AND THE STATE OF ALABAMA OF THE UNITED STATES OF AMERICA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 273, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 250. COMMENDING AND CONGRATULATING THE DADEVILLE, ALABAMA, KIWANIS CLUB ON THE OCCASION OF ITS 50TH ANNIVERSARY.

Also:

H. J. R. 259. COMMENDING MISS PAIGE FERNEE REYNOLDS OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 258. COMMENDING REGINA STANFORD FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 249. WISHING MR. JAMES J. CAMPBELL A SPEEDY RECOVERY.

On motion of Senator Parsons, the Resolutions were then concurred in and adopted by the Senate.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following Senate

Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 137. COMMENDING DR. JAMES G. McMURRAY OF HUNTSVILLE, ALABAMA, PROMINENT AREA PHYSICIAN.

Also:

S. R. 145. COMMENDING MS. JUDY LONGINO AS AN EXEMPLARY PUBLIC EMPLOYEE.

Also:

S. R. 139. COMMENDING DR. JOHN L. McDANIEL OF DECATUR, ALABAMA, FOR OUTSTANDING ACHIEVEMENT AND COMMUNITY INVOLVEMENT.

Also:

S. R. 138. COMMENDING DR. JOHN KENDALL BLACK, JUNIOR, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

On motion of Senator Parsons, the Resolutions were then adopted by the Senate.

RESOLUTION

Senators Teague, Aldridge, Amari, Bailey, Barron, Bedford, Bedsole, Bennett, Bishop, Cabaniss, Cooley, Corbett, Covington, deGraffenried, Denton, Dial, Dixon, Drinkard, Ellis, Figures, Foshee, Hand, Hilliard, Holmes, Langford, Little, Menton, Mitchem, Parsons, Pearson, Sanders, Smith (B), Smith (J), and Strong offered the following Senate Resolution, to-wit:

S. R. 188. EXTENDING THE CONGRATULATIONS OF THE SENATE TO SENATOR AND MRS. EARL GOODWIN ON THE OCCASION OF THEIR 42ND WEDDING ANNIVERSARY.

Which was adopted.

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 236. COMMENDING UAB BLAZER, McKINLEY SINGLETON.

Also:

H. J. R. 235. COMMENDING UAB BLAZER, ANTHONY GORDON.

Also:

H. J. R. 237. DESIGNATING MAY 5, 1984, AS "RAZZY BAILEY DAY" IN ALABAMA.

Also:

H. J. R. 234. COMMENDING UAB BLAZER, STEVE MITCHELL.

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Also:

H. J. R. 233. COMMENDING MR. AND MRS. CHRISTOPHER McARDLE OF THEODORE, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 227. COMMENDING RHUBARB JONES OF MONTGOMERY, ALABAMA, NATIONAL DISC JOCKEY OF THE YEAR.

Also:

H. J. R. 223. COMMENDING JACKSONVILLE STATE UNIVERSITY WOMEN'S AND MEN'S GYMNASTICS TEAM.

Also:

H. J. R. 221. COMMENDING DILWORTH COMMUNITY ON GROUNDBREAKING FOR NEW CENTER.

Also:

H. J. R. 220. MOURNING THE DEATH OF MR. MARSHEL JOHNSON, JUNIOR, OF JASPER, ALABAMA.

Also:

H. J. R. 224. COMMENDING HEWITT-TRUSSVILLE HIGH SCHOOL WRESTLER TIM MINOR.

Also:

H. J. R. 225. COMMENDING THE HEWITT-TRUSSVILLE HIGH SCHOOL WRESTLING TEAM.

Also:

H. J. R. 222. COMMENDING COACH VAN DEERMAN ON HIS OUTSTANDING CAREER AS COACH AND EDUCATOR AT JACKSONVILLE HIGH SCHOOL.

Also:

H. J. R. 245. MOURNING THE DEATH OF JUDGE ROY MAYHALL OF JASPER, ALABAMA.

Also:

H. J. R. 251. MOURNING THE DEATH OF MR. ISAAC JUDSON SCOTT OF OPELIKA, ALABAMA.

Also:

H. J. R. 226. DESIGNATING JUNE 4—9, 1984, AS “‘ALABAMA’ WEEK” IN THE STATE OF ALABAMA.

Also:

H. J. R. 244. COMMENDING MR. AND MRS. GEORGE HARRIS AND THE HARRIS HOME ON THE 30TH ANNIVERSARY OF THE INSTITUTION'S ESTABLISHMENT.

On motion of Senator Parsons, the Resolutions were then concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate Bill and returns same herewith to the Senate.

S. 135. Relating to contracts and contractors; to give preference to resident contractors who bid on public work projects except where federal funds are involved.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Foshee, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 135, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 135

On page 2, line 10, insert a new section as follows:

“Section 3. A summary of this law shall be made a part of the advertised specifications of all projects affected by this law.”

and renumber all subsequent sections.

Yeas 18; Nays 0.

Yeas:

Senators:	Cooley	Hand	Mitchem	
Barron	Corbett	Hilliard	Smith (B)	
Bedford	Covington	Holmes	Strong	
Bedsole	Denton	Little	Teague	
Cabaniss	Foshee	Menton		—18

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 134. Relating to contractors; to require out-of-state contractors to register and file either a deposit or surety bond as well as a list of personal property involved in a construction project in Alabama upon which use and ad valorem taxes are due and payable; to provide for the payment of such taxes; and to provide for the return of the deposit or surety bond posted.

JOHN W. PEMBERTON,
Clerk.

MOTION IN WRITING

Senator Drinkard offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 147, on page 53 of the Twenty-First Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the

Senate ordered said Bill, S. B. 147, referred to the Standing Committee on Rules for placement on the Consent Calendar.

UNFINISHED BUSINESS
BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

S. 426. To make legislative findings regarding the need to provide additional methods of providing wastewater treatment facilities as well as the need for funds to finance such facilities; to define the particular terms used in the subsequent provisions of this act; to provide for and authorize the incorporation by any county or municipality in the state of one or more public corporations and instrumentalities of the state, upon the filing of an application with, and the making of certain determinations by, the governing body of a county or municipality; to provide for and authorize the certificate of incorporation of any such corporation to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such county or municipality; to provide for a board of directors of any such corporation and the election and removal of the members thereof; to authorize any such corporation to acquire, construct, own, lease, operate, or enter into contracts for the operation of, wastewater treatment facilities, and to provide for the general powers to be exercised by any such corporation and the conditions under which such powers may be exercised; to authorize any such corporation to sell, under installment sales agreements or other contractual arrangements satisfactory to the corporation, any wastewater facility of the corporation, and to grant options to purchase any such facility; to empower any such corporation to enter into long-term exclusive contracts for the receiving, treatment and disposal of pollutants; to empower any such corporation to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds and other obligations payable solely out of the revenues, receipts, income, funds or other sources (including installment sales agreements) specified in the proceedings under which such bonds, notes or other obligations are issued; to authorize any such corporation to pledge its revenues and income (including amounts to be received under installment sales or other contractual arrangements) and mortgage or assign its assets as security for its notes, bonds or other obligations; to provide for the issuance of refunding bonds, notes or other obligations by any corporation for the purpose of refunding bonds, notes or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such corporation; to provide that the notes, bonds or other obligations of any such corporation shall not constitute or create a debt of the state or any county, municipality or other political subdivision or agency thereof; to provide that the notes, bonds and other obligations of any such corporation may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the state the property, corporate activities, revenues and income of such corporation, such transaction or actions to which each such corporation is a party or in which it may be involved, and the notes, bonds and all other obligations of each such corporation and the income from such notes, bonds and obligations; to exempt any such corporation from all laws of the state governing usury or prescribing or limiting interest rates; to exempt any such corporation from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to provide for liberal construction of

the provisions of this act; to confer upon any corporation organized under the provisions of this act the power of eminent domain; to exempt any corporation organized under the provisions of this act from state supervision and control; to provide that any county, municipality or other political subdivision, agency or instrumentality of the state or any county or municipality may aid and cooperate with any such corporation, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to authorize any county, municipality or other political subdivision, agency or instrumentality of the state or any county or municipality to enter into contracts, for a term not exceeding thirty (30) years; providing for the delivery to the corporation of pollutants and payments by such entity to the corporation; to provide that such entity may be required to make payments to such corporation with respect to such disposal and treatment of pollutants even though such corporation is at the time such payment is to be made unable to effect such treatment and disposal or such entity is at the time such payment is to be made unable to deliver such pollutants; to provide that to the extent that such contracts recite that the amounts payable thereunder shall be payable annually out of the general operating funds of such entity then such contracts shall not constitute a debt of any county, municipality or political subdivision, agency or instrumentality; to provide that any such corporation shall be a not-for-profit corporation; to provide that any such corporation may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes or other obligations by such corporation, and to provide that any action or proceeding questioning the validity of any such bonds, notes or other obligations or instruments securing the same must be commenced within thirty (30) days after the first publication of said notice; to provide for the dissolution of any such corporation and for the vesting of title to its properties; and to provide that the provisions of this act shall be severable.

as amended.

The hour of 2 o'clock P.M. having arrived, one hour after the Senate convened, said Bill, S. B. 426, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22; Nays 0.

Yeas:

Senators:	deGraffenried	Hilliard	Parsons
Barron	Denton	Holmes	Smith (B)
Bennett	Dixon	Langford	Smith (J)
Cabaniss	Ellis	Little	Strong
Cooley	Foshee	Menton	Teague
Corbett	Hand	Mitchem	

—22

Nays:

—0

REPORTS OF COMMITTEES

Senator Langford, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Smith and Parker:

H. 44. To amend Section 36-7-20 of the Code of Alabama 1975 so as to further provide that the per diem travel allowance for employees stationed at the same place in the state for a period in excess of two consecutive months shall be reduced to an amount equal to \$5.00 less than the regular per diem allowance fixed by the governor.

By Senator Hilliard:

S. 182. Authorizing incorporated municipalities to create and establish certain municipal assistance agencies which provide certain financial assistance to certain businesses beset with unique problems resulting from decisions made by state and local governments.

By Senator Hilliard:

S. 553. To amend Section 11-47-14 of the Code of Alabama, 1975, to permit all municipalities to issue bonds to construct a wharf or wharves and a landing or landings, and to purchase real estate therefor, within the city limits, or within twenty-five miles thereof.

By Senator Hilliard:

S. 554. To authorize, based on certain legislative findings, municipalities situated in Alabama to alter and change water courses and to acquire, construct and develop wharves, warehouses, and other improvements related to the development and operation of river ports within a radius of twenty-five miles of the limits thereof in order to maximize the ability of such municipalities to promote the use of river and water transportation to take advantage of the transportation potential made possible by the Tombigbee Waterway, provided that no such facility can be constructed or developed within the police jurisdiction of another municipality without the consent thereof, or in an unincorporated area of any county without the consent of the governing body of such county; to authorize such municipalities to issue general obligation bonds, or to authorize industrial development boards to issue revenue bonds, to finance such river port facilities; to authorize municipalities and counties to contribute funds to such municipalities for construction and operation of such river port facilities, and to contract for joint construction and operation thereof; to make the provisions hereof severable; and to provide an effective date of the Act.

By Senator Parsons:

S. 582. To amend Section 11-43-2, Code of Alabama 1975, relating to the election of certain mayors and aldermen, and Section 11-43-80, Code of Alabama 1975, relating to the powers and duties of the mayor, so as to provide that the six-month time requirement may be waived to meet compliance with the Federal Voting Rights Act of 1965.

Senator Smith (J), Chairperson of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Teague:

S. 543. To amend Section 27-4-2, Code of Alabama 1975, which directs the Commissioner of Insurance to collect in advance certain fees, licenses and miscellaneous charges, by increasing said fees, licenses and miscellaneous charges, charging an application fee for resident and non-resident life and disability agents, establishing an Insurance Regulatory

Trust Fund for the payment of the direct and indirect expenses of the Insurance Department, authorizing the investment of available monies of the Insurance Regulatory Trust Fund by the agency having the constitutional or statutory power to make investments and reinvestments for and in behalf of any state agency, requiring that all earnings derived from such investments be paid into the Insurance Regulatory Trust Fund, requiring that any cash balance in the Insurance Regulatory Revolving Trust Fund after the conclusion of the current fiscal year be carried forward in the same fund for the next succeeding fiscal year and each fiscal year thereafter, authorizing the state's chief fiscal officer to transfer monies from funds of the State Treasury to the Insurance Regulatory Revolving Trust Fund should that fund incur a deficiency, requiring that any monies so transferred be repaid before the conclusion of the fiscal year in which the transfer is made, and allowing the Insurance Department's expenses to be paid by appropriations from the state general fund with repayment to the state general fund being made before the end of the next fiscal year.

Senator Smith (B), Chairperson of the Standing Committee on Industrial Expansion, Economic Growth, and Jobs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators deGraffenried, Goodwin, Foshee, and Holmes (With Substitute):

S. 542. To amend Section 40-20-2, Code of Alabama 1975, so as to provide certain exemptions for occluded natural gas produced from coal seams.

Senator Smith (B), Chairperson of the Standing Committee on Industrial Expansion, Economic Growth, and Jobs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senators Drinkard and Teague:

S. 534. To amend Sections 33-16-7, 33-16-9 and 33-16-11 of the Code of Alabama 1975 to authorize the Coosa Valley Development Authority to undertake certain additional types of obligations, to modify certain restrictions pertaining to the contractual obligations of said authority, to provide that certain contracts between said authority and the United States shall not be subject to certain requirements generally applicable to contracts of said authority and to clarify the respective responsibilities of said authority and the state docks department with respect to the provision and maintenance of river and canal terminals.

Senator Dial, Chairperson of the Standing Committee on Military Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Kennedy, Gaston, Clark (W), Buskey (James), and Box:

H. 309. To reopen the State of Alabama retirement systems for certain military service; to provide that as a prerequisite to obtaining such credit, said members must be active and contributing members of any of the State of Alabama retirement systems; to provide for the payment by the members of such service; and to provide for its termination.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senator Teague (With Notice and Proof):

S. 509. Relating to Coosa County; to provide that all members of the county commission shall serve on a full time basis, effective upon the next term of office of any members; to regulate further the expense allowance of the members of the Coosa County Commission and giving retroactive effect to such expense allowances; and providing automatic termination of such expense allowance.

By Senator Teague (With Notice and Proof):

S. 541. Relating to Coosa County; legalizing the sale of draft or keg beer or malt beverages; and repealing conflicting laws.

By Senator Little (With Notice and Proof):

S. 566. Relating to Lee County; providing certain annual salaries for the probate judge, sheriff, tax assessor, and tax collector.

By Reps. Bugg and Junkins (With Notice and Proof):

H. 622. Relating to Etowah County; authorizing certain county officials to use mechanical or facsimilie devices for signatures on warrants or checks drawn on the county treasury or depository.

By Reps. Bugg and Junkins (With Notice and Proof):

H. 620. Relating to Etowah County; authorizing certain county health officers or administrators to issue official death certificates, levy and collect fees therefor; and providing for the distribution of such revenues for county health purposes.

By Rep. Blake (With Notice and Proof):

H. 643. Relating to St. Clair County; providing for the filing for record and the preservation of all orders and decrees made and entered by any judge of the circuit court in St. Clair County.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Newman (With Notice and Proof) (With Amendment):

H. 714. Relating to Lamar County; to amend Section 1 of Act No. 82-511, H. 796, of the 1982 Regular Session so as to provide that twenty-five percent of all funds accruing to Lamar County from the oil and gas privilege tax pursuant to Sections 40-20-1 through 40-20-13 of the Code of Alabama 1975, shall be transferred to the county board of education; and to provide that the funds so transferred shall be spent by the county board of education for capital improvement or for the purchase of school buses.

By Reps. Richardson and Hall (With Notice and Proof) (With Amendment):

H. 674. Relating to Jackson County; providing for an appropriation

for the relief of Mr. Willie Dean Mount and providing for a retroactive effect.

Senator Foshee, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Onderdonk (With Notice and Proof):

H. 737. Relating to Washington County; providing for an expense allowance, payable from the county general fund, for the Circuit Clerk of the county; specifically repealing Act No. 81-177, H. 618, Regular Session 1981 (Acts 1981, p. 202), and repealing conflicting laws, all relating to the compensation of the Circuit Clerk of Washington County; providing that such expense allowance shall be calculated on a certain percentage of the state compensation for such official.

By Rep. Holley (With Notice and Proof):

H. 775. Relating to Coffee County; providing for an expense allowance payable from the general fund of the county treasury for the probate judge; and providing further for the compensation of such official.

By Rep. Holley (With Notice and Proof):

H. 774. Relating to Coffee County; providing further for the compensation of the sheriff.

By Senator Holmes (With Notice and Proof):

S. 570. Relating to Calhoun County; to extricate certain public officers in said county from the provisions of Section 6-8-40 of the Code of Alabama 1975 which require such officers and officials to subscribe for, take and file certain weekly newspapers.

By Senator Ellis (With Notice and Proof):

S. 575. To amend Section 1 of Act No. 83-714, H. 916, of the 1983 Regular Session of the Legislature (Acts 1983, p. 1160, relating to licensing of retailers of alcoholic beverages in Shelby County, Alabama, so as to provide further for such licensing.

By Senator Ellis (With Notice and Proof):

S. 576. To amend Act No. 39, H. 67, Second Special Session, 1971 (Acts 1971, p. 4173) to permit the application of chemical substances by aircraft in Shelby County under certain conditions.

By Senator Ellis (With Notice and Proof):

S. 577. To authorize the Shelby County Commission to adopt, amend and provide for the enforcement of certain building codes which shall apply in certain areas in said county; to prescribe the manner of adopting such codes; to authorize said commission to enforce such codes; to authorize the prescription and collection of certain fees necessary to effect the enforcement of such codes and to prescribe penalties for violation of such codes.

By Senator Barron (With Notice and Proof):

S. 584. Relating to county health officers or administrators in Jackson County; authorizing such persons to issue official death certificates, and providing penalties for violation of this act.

By Senator Holmes (With Notice and Proof):

S. 587. Relating to Calhoun County; establishing a branch of the license commissioner's office in the City of Piedmont.

By Senator Drinkard (With Notice and Proof):

S. 597. Relating to St. Clair County; to provide further for the election of the members of the county board of education and the superintendent of education.

By Senators Goodwin and Ellis (With Notice and Proof):

S. 601. Relating to Bibb County; to amend Act No. 780, H. 1706, Regular Session 1973 (Acts 1973, p. 1195), which act provides for compensation of the sheriff, appointment of deputies, secretaries and jailors, so as to further provide for the salaries of certain members of the sheriff's staff.

By Senator Drinkard (With Notice and Proof):

S. 602. Relating to Etowah County; to provide further for the election of the members of the county board of education.

By Rep. McKee (With Notice and Proof):

H. 434. Relating to Montgomery County; to redivide said county into districts for the purpose of electing the county commission.

By Rep. Lauderdale (With Notice and Proof):

H. 569. To levy a finance charge of ten cents per acre on forest lands located in Winston County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Winston County; to provide for a referendum on the question; and prescribing the procedure for the collection of such assessments.

By Rep. Mathis (With Notice and Proof):

H. 662. An Act relating to Geneva County providing that the Geneva County governing body shall supplement the salary of the District Judge from the County General Fund in the amount of \$3,600.00 per annum.

By Reps. Britnell, Lauderdale, and Newman (With Notice and Proof):

H. 705. To authorize the Marion County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county and to prescribe the procedure for levying and collecting such assessments.

By Rep. Holley (With Notice and Proof):

H. 770. To approve the proposal of the City Council of the City of Enterprise in Coffee County to increase the rate at which ad valorem tax is levied in such city pursuant to Amendment No. 373 to the Constitution of Alabama of 1901.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Barron (With Amendment):

S. 548. To amend Section 40-2-64, Code of Alabama 1975 so as to re-

move the limitation of the number of assistant counsels which may be appointed to transact the legal business of the Department of Revenue.

Senator Hilliard, Chairperson of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Little, Goodwin, Bedford, Smith (J), Bedsole, Strong, Holmes, Menton, Foshee, and Covington:

S. 268. To provide a test for determining whether a person is not guilty by reason of insanity; to establish that a defendant has the burden of proving insanity; to amend Code of Alabama 1975, Section 13A-3-1; to specify the conduct to which this act applies; and to provide for an effective date.

By Senator Denton:

S. 535. To amend Section 6-10-126, Code of Alabama 1975, that provides for exemption of certain personal property from levy of an execution or attachment so as to provide that the exemption does not apply to certain personal property pledged in a consensual security agreement.

By Senator Amari:

S. 503. To amend sections 30-3-1 and 30-3-2, Code of Alabama 1975, relating to the custody and education of children upon grant of divorce and in cases of voluntary separation, so as to provide further for the custody and parentship of children by providing for shared parenting.

By Senator Smith (J):

S. 560. To amend Section 13A-6-20 of the Code of Alabama 1975, relating to assault in the first degree so as to provide further for the elements of such crime.

Senator Langford, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Bennett (With Amendment):

S. 94. To establish the Alabama Legislative Compensation Commission, its membership, terms of office, expenses, powers and duties; to provide that the commission's recommendations to the legislature for expense allowance shall become effective automatically if the legislature fails to act by a certain period.

Senator Langford, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Senators Strong and Parsons (With Substitute):

S. 144. To require local school boards, governing boards of the Department of Youth Services, the Alabama Institute for Deaf and Blind, and public postsecondary institutions to provide pay and release time to profes-

sionally certificated employees to fulfill the requirements of the State Board of Education's professional development program.

Senator Langford, Chairperson of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Bennett, Bedsole, and Smith (J):

S. 323. Relating to elections; to define the meaning of terms used in this Act; to provide for the designation and organization of a principal campaign committee by each candidate for election to state or county office; to designate the Secretary of State and the Judge of Probate as the recipients of reports and statements required to be filed by this Act; to provide for the registration of political committees (including the principal campaign committee of each candidate); to require that political committees established by corporations bear the name of the corporation; to provide for the reporting of contributions received and expenditures made by political committees; to provide for the designation of campaign depositories; to delineate the duties of the Secretary of State and Judge of Probate; to provide for the disbursement of campaign contributions in excess of expenditures; to provide for proper identification of campaign advertising; to exempt candidates receiving or expending less than \$1,000 from certain provisions of the Act; to prohibit the intimidation of voters, certain expenditures to influence voting, the publication or distribution of certain political statements, any contribution in the name of another, fraudulent misrepresentations of campaign authority, fraudulent campaign advertising, and coercion of contributions; to provide penalties for the violation of the provisions of the Act; to require that certificates of election be withheld under certain circumstances; to repeal Chapter 22 of Title 17 of the CODE OF ALABAMA, 1975; and to provide severability and effective dates.

By Reps. Tanner and Moore:

H. 404. To further reapportion House District 40 and House District 41 of the Alabama legislature based upon the 1980 census.

By Senator Hand:

S. 546. To amend Section 36-26-17, Code of Alabama 1975, which relates to state employees' merit system and the method of filling vacancies, so as to exempt the Revenue Department from certain provisions.

By Senators Dixon, Teague, Langford, and Foshee:

S. 557. To amend Section 16-25-14 of the Code of Alabama 1975, relating to benefits generally under the teachers' retirement system, so as to provide further for certain benefits under such system.

By Senators Bishop, Denton, Aldridge, Foshee, Covington, Cooley, Goodwin, Bennett, Cabaniss, Sanders, Bailey, Hilliard, and Parsons:

S. 558. To amend Section 36-29-2, Code of Alabama 1975, which creates the state employees' insurance board, so as to provide further for membership on the board.

By Senator Dixon:

S. 594. To amend Section 36-27-16 of the Code of Alabama 1975, re-

lating to retirement allowances under the employees' retirement system so as to provide further for such allowances.

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Senator Covington:

S. 231. To amend Section 41-16-50, Code of Alabama 1975, relating to the expenditure of public funds for leases or lease purchases; to establish an effective date.

By Senator Covington:

S. 232. To amend Section 11-43-4, Code of Alabama 1975, as amended, and to amend Section 11-43-45, Code of Alabama 1975, said sections relating to the election of officers in a municipality, so that vacancies may be filled by a majority vote of the members of the council, and all members of the council may vote to fill vacancies any provision of law notwithstanding.

By Senator Langford:

S. 159. To amend Section 11-45-8, Code of Alabama 1975, to include other like codes with those codes listed which may be adopted by ordinance and by reference under the authority and procedures of said section.

By Senator Foshee (With Amendment):

S. 362. To amend Sections 34-27-2, 34-27-31, 34-27-50, 34-27-51, 34-27-60 and 34-27-66 of the Code of Alabama 1975 which regulate real estate and timesharing brokers, salesmen and transactions, so as to provide further therefor.

By Senator Foshee:

S. 507. To amend Section 37-3-32 relating to Public Service Commission appropriations and increasing the registration fees of motor carrier vehicles.

By Senators Langford and Covington:

S. 132. To provide that full-time employees and executive officers of the Alabama Opportunities Industrialization Center may elect to become members of the teachers' retirement system of Alabama; also to provide that said Center and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the State.

By Senators Mitchem, Barron, Bailey, and Cooley (With Substitute):

S. 469. To make an appropriation, in addition to any other appropriation provided, of \$500,000 from the special educational trust fund for the fiscal year ending September 30, 1984, to Auburn University's Agricultural Experiment Station for the purchase of equipment and facilities in poultry research and Farm Phase II research.

By Senator Holmes:

S. 378. To amend sections 8-17-210, 8-17-211, 8-17-217, 8-17-218, 8-17-221, 8-17-222, 8-17-224, 8-17-225 and 8-17-226, Code of Alabama 1975, which provide for the regulation of fireworks in Alabama, so as to revise the definition of "retailer" to include provisions for seasonal retailers; to revise the definition of "distributor" to include provisions for all persons making

sales of fireworks for resale; to require all permits to be displayed; to require persons shipping fireworks within the state to apply for permits; to prohibit mail order sales of fireworks; to provide further for permit fees and the distribution of proceeds therefrom; to provide further for the prohibition of the sale of certain fireworks; to provide further for the display of fireworks; to prohibit sales of fireworks to persons under 16, and to provide for the sale of confiscated fireworks.

MOTION IN WRITING

Senator Cooley offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 290, on page 135 of the Twenty-First Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 290, referred to the Standing Committee on Rules for placement on the Consent Calendar.

MOTION TO RECOMMIT

Having reached the Sixth Order of Business for today, the Senate proceeded to the second item of Unfinished Business for today, which was the Motion by Senator Smith (B) to recommit the Bill, H. B. 87.

On motion of Senator Cooley, the motion to recommit was laid on the table.

Yeas 15; Nays 9.

Yeas:

Senators:	Cooley	Foshee	Parsons	
Aldridge	Corbett	Goodwin	Pearson	
Bedford	Covington	Hilliard	Smith (J)	
Bishop	Figures	Langford	Strong	—15

Nays:

Senators:	Bedsole	Dial	Little	
Bailey	Cabaniss	Hand	Smith (B)	
Barron	Denton			—9

Therefore, said Bill, H. B. 87, retains its position on the Calendar.

BILLS ON THIRD READING RESUMED

The Bill:

S. 105. To amend Section 16-35-1, Code of Alabama, 1975, so as to provide for the qualifications and number of the members of the State Courses of Study Committee.

having been postponed on the Eighteenth Legislative Day, was taken up.

On motion of Senator Parsons, the Rules were suspended and he was granted permission to bring up the Bill:

H. 122. To amend Section 16-35-1, Code of Alabama, 1975, so as to provide for the qualifications and number of the members of the State Courses of Study Committee.

in place of the Bill, S. B. 105.

And said Bill, H. B. 122, was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Senators:	Cooley	Drinkard	Langford	
Bailey	Corbett	Ellis	Little	
Barron	Covington	Foshee	Parsons	
Bedford	deGraffenried	Hand	Smith (J)	
Bishop	Denton	Holmes	Strong	
Cabaniss				—20

Nays: —0

On motion of Senator Parsons, further consideration of the Bill, S. B. 105, was indefinitely postponed.

RESOLUTIONS

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 189. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-first legislative day of the 1984 Regular Session only:

Inst Id		Page
H. 88	MOTOR VEHICLES LICENSE PLATES REQUIRED ON FRONT AND REAR, CERTAIN REFLECTIVE STANDARDS REQUIRED.	140
H. 454	Sales Tax, large payers of, payment schedule revised, Sec. 40-23-7 amd	66
H. 598	State Property, sale of, Econ and Comm. Affairs dept to admin.	94
H. 208	Teachers personal leave, to accrue toward retirement, Sec. 16-8-26 amd.	78
S. 449	Mentally ill persons entering crim. justice system, initial identification process auth.	56
S. 486	Voters and Voting, statewide reidentification of lists of voters.	88
S. 407	Conservation and Nat. Res. Dept., auth. to return certain land to Amos Garrett, Baldwin Co.	106
S. 121	Game and Fish; charges for certain fishing licenses further regulated; illegal nets declared nuisances; 9-12-113 amd.	27
S. 372	Louisiana, Mississippi, Alabama Rapid Rail Transit Comm. approp.	103

On motion of Senator Bishop, the Resolution was adopted by the Senate.

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House

Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 67. CREATING A JOINT INTERIM LEGISLATIVE CHILDREN AND YOUTH STUDY COMMITTEE.

On motion of Senator Parsons, further consideration of the Resolution, H. J. R. 67, was postponed subject to the call of the Chair.

MOTION IN WRITING

Senator Corbett offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 2, on page 133 of the Twenty-First Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 2, referred to the Standing Committee on Rules for placement on the Consent Calendar.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 426. To make legislative findings regarding the need to provide additional methods of providing facilities employed in the provision of certain utility services, including water and sewer services, as well as the need for funds to finance such facilities; to define the particular terms used in the subsequent provisions of this act; to provide for and authorize the incorporation by any county or municipality in the state of one or more public corporations and instrumentalities of the state, upon the filing of an application with, and the making of certain determinations by, the governing body of a county or municipality; to provide for and authorize the certificate of incorporation of any such corporation to be amended at any time and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such county or municipality; to provide for a board of directors of any such corporation and the election and removal of the members thereof; to authorize any such corporation to acquire, construct, own, lease, make loans with respect to, operate, or enter into contracts for the operation of, facilities, and to provide for the general powers to be exercised by any such corporation and the conditions under which such powers may be exercised; to empower any such corporation to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds and other obligations payable solely out of the revenues, receipts, income, funds or other sources specified in the proceedings under which such bonds, notes or other obligations are issued; to authorize any such corporation to pledge its revenues and mortgage or assign its assets as security for its notes, bonds or other obligations; to provide for the issuance of refunding bonds, notes or other obligations by any corporation for the purpose of refunding bonds, notes or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such corporation; to provide that the notes, bonds or other

obligations of any such corporation shall not constitute or create a debt of the state or any county, municipality or other political subdivision or agency thereof; to provide that the notes, bonds and other obligations of any such corporation may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the state the property, corporate activities, revenues and income of such corporation, such transaction or actions to which each such corporation is a party or in which it may be involved, and the notes, bonds and all other obligations of each such corporation and the income from such notes, bonds and obligations; to exempt any such corporation from all laws of the state governing usury or prescribing or limiting interest rates; to exempt any such corporation from all laws of the state requiring competitive bids for contracts to be entered into by counties, municipalities or public corporations; to exempt all utility services agreements and other contracts relating to the design, construction, acquisition, financing or operation of facilities financed by a corporation from all laws of the state requiring competitive bids for contracts to be entered into by counties, municipalities or public corporations and all laws relating to the maximum duration of contracts for the sale of personal property and contractual services to counties, municipalities or public corporations; to provide for liberal construction of the provisions of this act; to confer upon any corporation organized under the provisions of this act the power of eminent domain; to exempt any corporation organized under the provisions of this act from state supervision and control; to provide that any county, municipality or other political subdivision, agency or instrumentality of the state or any county or municipality may aid and cooperate with any such corporation, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to authorize any county, municipality or other political subdivision, agency or instrumentality thereof and the Tannehill Furnace and Foundry Commission to enter into utility services agreements, for a term not exceeding forty (40) years, providing for the provision of utility services to such entity by a provider under circumstances in which the facilities for the provision of such utility services are financed, in whole or in part, by a corporation; to provide that such entity may unconditionally and absolutely obligate itself to make payments pursuant to such utility services agreement irrespective of the performance of the facilities or the delivery of the pertinent utility services; to provide that a utility services agreement may provide that when more than one such entity shall be a party to such a utility services agreement and one such entity shall default in its obligations thereunder, then the other such entity or entities may be obligated to assume the payment obligations of such defaulting entity; to provide legal and equitable remedies for the breach of utility services agreements; to prohibit any city, county or instrumentality of either thereof to enter into any utility services agreement or related agreements for the acquisition, construction, equipment or operation of any facilities unless the same shall have been approved by such entity after a public hearing following public notice; to provide that any such corporation shall be a nonprofit corporation; to provide that any such corporation may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes or other obligations by such corporation, and to provide that any action or proceeding questioning the validity of any such bonds, notes or other obligations or instruments securing the same must be commenced within thirty (30) days after the first publication of said notice; to provide for the dissolution of any such corporation and for

the vesting of title to its properties; and to provide that the provisions of this act shall be severable.

CHARLES BISHOP,
Chairperson.

MOTIONS IN WRITING

Senator Bailey offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 50, on page 127 of the Twenty-First Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 50, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Bedsole offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 440, on page 134 of the Twenty-First Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 440, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Bedsole then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 97, on page 36 of the Twenty-First Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 97, referred to the Standing Committee on Rules for placement on the Consent Calendar.

BILLS ON THIRD READING RESUMED

The Bill:

S. 231. To amend Section 41-16-50, Code of Alabama 1975, relating to the expenditure of public funds for leases or lease purchases; to establish an effective date.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Senators:	Cabaniss	Drinkard	Hilliard	
Bailey	Covington	Ellis	Langford	
Bedford	Denton	Foshee	Little	
Bedsole	Dial	Goodwin	Strong	
Bishop	Dixon	Hand		—18

Nays: —0

The Bill:

S. 232. To amend Section 11-43-4, Code of Alabama 1975, as amended, and to amend Section 11-43-45, Code of Alabama 1975, said sec-

tions relating to the election of officers in a municipality, so that vacancies may be filled by a majority vote of the members of the council, and all members of the council may vote to fill vacancies any provision of law notwithstanding.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Bedsole	Dial	Goodwin	
Aldridge	Bennett	Dixon	Hand	
Amari	Cabaniss	Drinkard	Langford	
Bailey	Cooley	Ellis	Little	
Barron	Covington	Foshee	Menton	—19

Nays: —0

MOTION IN WRITING

Senator Hand offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 471, on page 136 of the Twenty-First Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 471, referred to the Standing Committee on Rules for placement on the Consent Calendar.

BILLS ON THIRD READING RESUMED

The Bill:

S. 159. To amend Section 11-45-8, Code of Alabama 1975, to include other like codes with those codes listed which may be adopted by ordinance and by reference under the authority and procedures of said section.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Senators:	Cabaniss	Drinkard	Langford	
Aldridge	Cooley	Ellis	Little	
Barron	Covington	Foshee	Menton	
Bedsole	Denton	Goodwin	Mitchem	
Bennett	Dixon	Hand	Sanders	—19

Nays: —0

The Bill:

S. 362. To amend Sections 34-27-2, 34-27-31, 34-27-50, 34-27-51, 34-27-60 and 34-27-66 of the Code of Alabama 1975 which regulate real estate and timesharing brokers, salesmen and transactions, so as to provide further therefor.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, S. B. 362, to-wit:

COMMITTEE AMENDMENT TO S. B. 362

In the title, on page 1, line 32, between "34-27-2," and "34-27-31," insert the following:

34-27-11,

Also, in the title, on page 1, at the end of line 35, following the word "therefor", delete the period and add the following:

and to provide further for penalties.

In subsection (c) of section 34-27-2, on page 4, line 21, delete the following: penal provisions and

On page 4, between the end of § 34-27-2, on line 25, and the beginning of § 34-27-31, on line 26, insert the following:

"§ 34-27-11.

"(a) Any person violating a provision of articles 1 or 2 of this chapter shall, upon conviction of a first violation thereof, if a person, be punished by a fine of not less than \$100.00 nor more than \$500.00, or by imprisonment for a term not to exceed 90 days, or both, and, if a corporation, be punished by a fine of not more than \$1,000.00. Upon conviction of a second or subsequent violation, the violator, if a person, shall be punished by a fine of not less than \$500.00 nor more than \$1,000.00 or by imprisonment for a term not to exceed two years, or both, and, if a corporation, be punished by a fine of not less than \$2,000.00 nor more than \$5,000.00. Any officer or agent of a corporation, or any member or agent of a partnership who shall personally participate in or be accessory to any violation of this chapter by such corporation or partnership shall be subject to the penalties herein prescribed for individuals. Any court of competent jurisdiction shall have full power to try any violation of this chapter, and upon conviction, the court may impose the penalties herein provided for in this section.

"(b) Whoever willfully violates any lawful rule, regulation or order of the commission or whoever is adjudged guilty of any offense specified in section 34-27-3 or section 34-27-36 violating any provision of articles 1 or 2 of this chapter, after a hearing as provided in section 34-27-3 34-27-37, or after entering a plea of guilty in lieu of such hearing, may be officially reprimanded by the commission or may be required by the commission to pay a penalty of not less than \$25.00 nor more than \$500.00 to be assessed and collected by the commission; or, if a licensee, may have his license suspended or revoked and, in addition, be required by the commission to pay a penalty of not less than \$25.00 nor more than \$500.00. Any party penalized under this subsection shall have the right of review as provided for in section 34-27-38."

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Cabaniss	Dial	Goodwin
Amari	Cooley	Dixon	Hand
Barron	Covington	Ellis	Holmes
Bennett	Denton	Foshee	Langford

Little	Menton	Mitchem	—18
Nays:			—0

And said Bill, S. B. 362, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 18; Nays 0.

Yeas:

Senators:	Cooley	Ellis	Langford	
Amari	Covington	Foshee	Little	
Bedsole	Denton	Goodwin	Menton	
Bennett	Dial	Hand	Strong	
Cabaniss	Dixon	Holmes		—18

Nays:	—0
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The Bill:

S. 507. To amend Section 37-3-32 relating to Public Service Commission appropriations and increasing the registration fees of motor carrier vehicles.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 2.

Yeas:

Senators:	Cooley	Drinkard	Langford	
Bailey	Covington	Ellis	Menton	
Bedsole	Denton	Foshee	Mitchem	
Bennett	Dial	Goodwin	Smith (J)	
Cabaniss	Dixon	Hand	Strong	—19

Nays: Senators: Holmes and Little	—2
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The Bill:

S. 132. To provide that full-time employees and executive officers of the Alabama Opportunities Industrialization Center may elect to become members of the teachers' retirement system of Alabama; also to provide that said Center and its employees shall assume all costs, both contributory and administrative; and no cost shall devolve upon the State.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 16; Nays 5.

Yeas:

Senators:	Cooley	Figures	Langford	
Aldridge	Covington	Foshee	Menton	
Bailey	Drinkard	Goodwin	Sanders	
Bedford	Ellis	Holmes	Smith (J)	
Bennett				—16

Nays:

Senators:	Cabaniss	Dixon	Little	
Bailey	Dial			—5

The Bill:

S. 469. To make an appropriation, in addition to any other appropriation provided, of \$500,000 from the special educational trust fund for the fiscal year ending September 30, 1984, to Auburn University's Agricultural Experiment Station for the purchase of equipment and facilities in poultry research and Farm Phase II research.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 469, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 469

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation, in addition to any other appropriation provided, of \$500,000 from the special educational trust fund for the fiscal year ending September 30, 1984, to Auburn University's Agricultural Experiment Station for the purchase of equipment and facilities at the Poultry Research Farm Phase II.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any other appropriation heretofore or hereafter provided, there is hereby appropriated for the fiscal year ending September 30, 1984, from the special educational trust fund the sum of \$500,000 to Auburn University's Agricultural Experiment Station. The appropriation herein made shall be used only for the purchase of equipment and facilities used at the Poultry Research Farm Phase II. Such research shall include, but shall not be limited to, research for the alleviation of avian influenza.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Senators:	Cooley	Ellis	Little	
Bailey	Covington	Goodwin	Menton	
Bedsole	deGraffenried	Hand	Mitchem	
Bennett	Dial	Holmes	Smith (J)	
Cabaniss	Dixon	Langford	Strong	—19

Nays: —0

Senator deGraffenried requested unanimous consent to have the name of Senator Little added as a co-sponsor of the Bill, S. B. 469, which request was denied.

And said Bill, S. B. 469, as amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 22; Nays 0.

Yeas:

Senators:	Covington	Goodwin	Mitchem
Bailey	deGraffenried	Hand	Parsons
Bennett	Dial	Holmes	Smith (J)
Cabaniss	Dixon	Langford	Strong
Cooley	Drinkard	Little	Teague
Corbett	Ellis	Menton	

—22

Nays:

—0

The Bill:

S. 378. To amend sections 8-17-210, 8-17-211, 8-17-217, 8-17-218, 8-17-221, 8-17-222, 8-17-224, 8-17-225 and 8-17-226, Code of Alabama 1975, which provide for the regulation of fireworks in Alabama, so as to revise the definition of "retailer" to include provisions for seasonal retailers; to revise the definition of "distributor" to include provisions for all persons making sales of fireworks for resale; to require all permits to be displayed; to require persons shipping fireworks within the state to apply for permits; to prohibit mail order sales of fireworks; to provide further for permit fees and the distribution of proceeds therefrom; to provide further for the prohibition of the sale of certain fireworks; to provide further for the display of fireworks; to prohibit sales of fireworks to persons under 16, and to provide for the sale of confiscated fireworks.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Senators:	Bennett	Drinkard	Langford
Aldridge	Cabaniss	Ellis	Little
Bailey	Corbett	Goodwin	Menton
Barron	Covington	Hand	Mitchem
Bedford	deGraffenried	Holmes	Smith (J)
Bedsole	Dial		

—21

Nays:

—0

SPECIAL ORDER**BILLS ON THIRD READING RESUMED**

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 88. To require all tags, plates or attachments on motor vehicles to comply with certain federal standards as relates to reflection properties; to require the revenue department to implement the provisions of this act and to authorize rule and regulation power for such purposes; to provide for an increase in tag or plate costs for passenger automobiles, trucks with a gross weight of 8,000 pounds or less and motorcycles; to provide for the collection, distribution and use of such fees; to provide that this act shall be supplemental to and in pari materia to existing law; and to provide an effective date.

The Standing Committee on Commerce, Transportation, and Utilities reported the following amendment to the Bill, H. B. 88, to-wit:

COMMITTEE AMENDMENT TO H. B. 88

In the title, page 1, line 25, after the word "fees" add the additional language:

to provide that effective January 1, 1987, and without additional cost or fee to the licensee, each person paying the license tax or registration fee applicable to the motor vehicle covered by this act shall have issued to them two license plates similar in design and quality to that here provided one of which such plates shall be affixed to the rear of the registered vehicle and the other to the front of such vehicle, and to provide that all requirements of this act which relate to the design, production and issuance of license plates shall have equal application to the second plate required hereby;

On page 2, after the end of Section 3 on line 25, add the following new section 4 and renumber the remaining sections accordingly:

Section 4. Effective January 1, 1987, and without additional cost or fee to the licensee, each person paying the license tax or registration fee applicable to the motor vehicle covered by this act shall have issued to them two license plates similar in design and quality to that here provided one of which such plates shall be affixed to the rear of the registered vehicle and the other to the front of such vehicle. All requirements of this act as they relate to design, production and issuance of license plates shall have equal application to the second plate required hereby.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 134. Relating to contractors; to require out-of-state contractors to register and file either a deposit or surety bond as well as a list of personal property involved in a construction project in Alabama upon which use and ad valorem taxes are due and payable; to provide for the payment of such taxes; and to provide for the return of the deposit or surety bond posted.

Also:

S. 135. Relating to contracts and contractors; to give preference to resident contractors who bid on public work projects except where federal funds are involved.

Also:

S. 223. To repeal Sections 4-2-30, 4-2-31, 4-2-32, 4-2-35, 4-2-35.1 and 4-2-36 of the Code of Alabama 1975, relating to the creation, composition, appointment and function of the Alabama department of aeronautics and the Alabama aeronautics commission, and the powers, duties, qualifications and functions of the director of aeronautics and the assistant director of aeronautics; so as to abolish the Alabama department of aeronautics and the Alabama aeronautics commission and to transfer all duties, powers, responsibilities, authorities and functions thereof to the state highway department; and to establish an aeronautics division of the state highway department; and to create the position of supervisor of the aeronautics division of the state highway department; and to create the aeronautics board to serve in an advisory capacity to the aeronautics division of the state highway department, and to supervise and authorize all real estate transactions,

whether conveyance, lease, or otherwise and to supervise all funds, monies and investments of the aeronautics division of the state highway department, and provide for the appointment, duties and compensation of the board members; to repeal all laws or parts of laws in conflict herewith; and to provide for the effective date of this Act.

CHARLES BISHOP,
Chairperson.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bills, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 220. MOURNING THE DEATH OF MR. MARSHEL JOHNSON, JUNIOR, OF JASPER, ALABAMA.

Also:

H. J. R. 221. COMMENDING DILWORTH COMMUNITY ON GROUNDBREAKING OF NEW CENTER.

Also:

H. J. R. 222. COMMENDING COACH VAN DEERMAN ON HIS OUTSTANDING CAREER AS COACH AND EDUCATOR AT JACKSONVILLE HIGH SCHOOL.

Also:

H. J. R. 223. COMMENDING JACKSONVILLE STATE UNIVERSITY WOMEN'S AND MEN'S GYMNASTICS TEAM.

Also:

H. J. R. 224. COMMENDING HEWITT-TRUSSVILLE HIGH SCHOOL WRESTLER TIM MINOR.

Also:

H. J. R. 225. COMMENDING THE HEWITT-TRUSSVILLE HIGH SCHOOL WRESTLING TEAM.

Also:

H. J. R. 226. DESIGNATING JUNE 4-9, 1984, AS "‘ALABAMA’ WEEK" IN THE STATE OF ALABAMA.

Also:

H. J. R. 227. COMMENDING RHUBARB JONES OF MONTGOMERY, ALABAMA, NATIONAL DISC JOCKEY OF THE YEAR.

Also:

H. J. R. 233. COMMENDING MR. AND MRS. CHRISTOPHER McARDLE OF THEODORE, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H. J. R. 234. COMMENDING UAB BLAZER, STEVE MITCHELL.

Also:

H. J. R. 235. COMMENDING UAB BLAZER, ANTHONY GORDON.

Also:

H. J. R. 236. COMMENDING UAB BLAZER, McKINLEY SINGLETON.

Also:

H. J. R. 237. DESIGNATING MAY 5, 1984, AS "RAZZY BAILEY DAY" IN ALABAMA.

Also:

H. J. R. 244. COMMENDING MR. AND MRS. GEORGE HARRIS AND THE HARRIS HOME ON THE 30TH ANNIVERSARY OF THE INSTITUTION'S ESTABLISHMENT.

Also:

H. J. R. 245. MOURNING THE DEATH OF JUDGE ROY MAYHALL OF JASPER, ALABAMA.

Also:

H. J. R. 249. WISHING MR. JAMES J. CAMPBELL A SPEEDY RECOVERY.

Also:

H. J. R. 250. COMMENDING AND CONGRATULATING THE DADEVILLE, ALABAMA, KIWANIS CLUB ON THE OCCASION OF ITS 50TH ANNIVERSARY.

Also:

H. J. R. 251. MOURNING THE DEATH OF MR. ISAAC JUDSON SCOTT OF OPELIKA, ALABAMA.

Also:

H. J. R. 258. COMMENDING REGINA STANFORD FOR OUTSTANDING ACHIEVEMENT.

Also:

H. J. R. 259. COMMENDING MISS PAIGE FERNEE REYNOLDS OF MOBILE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the

reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 122. To amend Section 16-35-1, Code of Alabama, 1975, so as to provide for the qualifications and number of the members of the State Courses of Study Committee.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF H. B. 88

The Senate proceeded to further consideration of the Bill, H. B. 88. The question was on the committee amendment.

On motion of Senator Mitchem, said amendment was laid on the table.

Senator Little offered the following amendment to the Bill, H. B. 88, to-wit:

AMENDMENT TO H. B. 88

Amend H. B. 88 Page 2 by inserting a new Section 3 and re-number present and remaining Sections:

New Section 3 to read as follows:

Section 3: Effective October 1, 1984 there shall be an annual registration fee for each three-wheel all terrain cycles operating in this State; said annual fee to be in the amount of \$10.00; said registration fee to be implemented in accordance with the provisions and procedures as established in § 40-12-242, Code of Alabama 1975.

And in addition thereto, on page 2—lines 8 and 13, strike the monetary figures "\$10.00" and in lieu thereof insert the figures "\$6.00"

MOTION IN WRITING

Senator Strong offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 625, on page 113 of the Twenty-First Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the

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Senate ordered said Bill, H. B. 625, referred to the Standing Committee on Rules for placement on the Consent Calendar. •

FURTHER CONSIDERATION OF H. B. 88

The Senate proceeded to further consideration of the Bill, H. B. 88. The question was on the amendment offered by Senator Little.

On motion of Senator Goodwin, said amendment was laid on the table.

Yeas 16; Nays 12.

Yeas:

Senators:	Denton	Goodwin	Parsons
Barron	Drinkard	Langford	Pearson
Bedford	Ellis	Menton	Sanders
Bennett	Foshee	Mitchem	Teague
Covington			

—16

Nays:

Senators:	Bedsole	Dial	Holmes
Aldridge	Cabaniss	Dixon	Little
Amari	deGraffenried	Hand	Smith (J)
Bailey			

—12

Senator Little then offered the following amendment No. 2 to the Bill, H. B. 88, to-wit:

AMENDMENT TO H. B. 88

Amend House Bill No. 88 Page 2 Lines 23-25, by inserting a "period" "." after the word fund on line 23.

And delete the remaining words following in Section 3.

MOTION IN WRITING

Senator Aldridge offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 141, on page 125 of the Twenty-First Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 141, referred to the Standing Committee on Rules for placement on the Consent Calendar.

FURTHER CONSIDERATION OF H. B. 88

The Senate proceeded to further consideration of the Bill, H. B. 88. The question was on the amendment No. 2 offered by Senator Little.

On motion of Senator Teague, said amendment was laid on the table.

Yeas 20; Nays 8.

Yeas:

Senators:	deGraffenried	Goodwin	Parsons
Bedford	Denton	Hilliard	Pearson
Bedsole	Drinkard	Langford	Sanders
Bennett	Ellis	Menton	Smith (J)
Covington	Foshee	Mitchem	Strong

Teague

—20

Nays:

Senators:

Cabaniss

Dial

Hand

Amari

Corbett

Dixon

Little

Bailey

—8

Senator Little then offered the following amendment No. 3 to the Bill, H. B. 88, to-wit:

AMENDMENT TO H. B. 88

Amend House Bill No. 88 Page 2 Lines 8 & 13, by striking out the monetary figures after the word

of "\$10.00"

and insert in lieu thereof the figure

\$7.00

On motion of Senator Teague, said amendment was laid on the table.

Yeas 18; Nays 7.

Yeas:

Senators:

deGraffenried

Hilliard

Pearson

Barron

Denton

Langford

Sanders

Bedford

Drinkard

Menton

Strong

Bedsole

Ellis

Mitchem

Teague

Covington

Goodwin

Parsons

—18

Nays:

Senators:

Corbett

Foshee

Holmes

Cabaniss

Dixon

Hand

Little

—7

MOTION IN WRITING

Senator Strong offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 305, on page 40 of the Twenty-First Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 305, referred to the Standing Committee on Rules for placement on the Consent Calendar.

FURTHER CONSIDERATION OF H. B. 88

The Senate proceeded to further consideration on the Bill, H. B. 88.

RESOLUTION

Senator Dial offered the following Senate Joint Resolution, to-wit:

S. J. R. 190. COMMENDING MR. JOEY HASSELL OF CHILDERSBURG, ALABAMA, PRESIDENT OF AUBURN UNIVERSITY SCHOOL OF PHARMACY.

WHEREAS, the Legislature of Alabama most heartily congratulates Mr. Joey Hassell of Childersburg, Alabama, upon his election as president of Auburn University School of Pharmacy; and

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WHEREAS, Mr. Hassell, a graduate of Childersburg High School, is a senior candidate for graduation in the Spring of 1985 with a degree in pharmacology; he is a member of Kappa Epsilon professional pharmacy fraternity, SAPHa, and the President's Council, and served as chairman of Pharmacy Day; and

WHEREAS, as president of the School of Pharmacy, Mr. Hassell is involved with new student orientation, such activities as Pharmacy Day and is responsible for speaking on the pre-pharmacy curriculum and the professional program; he further is in charge of maintaining the learning resource center and will direct all organizational projects and programs of the school; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in utmost commendation, we congratulate Mr. Joey Hassell of Childersburg, Alabama, for outstanding achievement and direct that he receive a copy of this resolution in expression of the legislature's sincere praise and regard.

Which was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF H. B. 88

The Senate proceeded to further consideration of the Bill, H. B. 88.

Senator Cabaniss moved that further consideration of the Bill, H. B. 88, be postponed until the Twenty-Fourth Legislative Day.

On motion of Senator Teague, the motion to postpone was laid on the table.

Yeas 17; Nays 7.

Yeas:

Senators:	Cooley	Goodwin	Pearson
Bailey	Corbett	Langford	Sanders
Barron	Covington	Mitchem	Strong
Bedford	Denton	Parsons	Teague
Bedsole	Foshee		

—17

Nays:

Aldridge	deGraffenried	Drinkard	Little
Cabaniss	Dixon	Hand	

—7

And said Bill, H. B. 88, was read a third time at length and passed.

Yeas 17; Nays 14.

Yeas:

Senators:	Ellis	Little	Pearson
Bedsole	Goodwin	Menton	Sanders
Cooley	Hand	Mitchem	Strong
Corbett	Hilliard	Parsons	Teague
Covington	Langford		

—17

Nays:

Senators:	Barron	Denton	Foshee
Aldridge	Bishop	Dial	Holmes
Amari	Cabaniss	Dixon	Smith (J)
Bailey	deGraffenried	Drinkard	

—14

Senator Teague moved that the Senate reconsider the vote by which the Bill, H. B. 88, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

Yeas 17; Nays 6.

Yeas:

Senators:	Covington	Langford	Pearson	
Barron	Denton	Menton	Sanders	
Bedford	Ellis	Mitchem	Strong	
Cooley	Goodwin	Parsons	Teague	
Corbett	Hand			—17

Nays:

Senators:	deGraffenried	Drinkard	Little	
Cabaniss	Dixon	Holmes		—6

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bills with the original Senate Bills, respectively, and finds same correctly engrossed, to-wit:

S. 362. To amend Sections 34-27-2, 34-27-11, 34-27-31, 34-27-50, 34-27-51, 34-27-60 and 34-27-66 of the Code of Alabama 1975 which regulate real estate and timesharing brokers, salesmen and transactions, so as to provide further therefor and to provide further for penalties.

Also:

S. 469. To make an appropriation, in addition to any other appropriation provided, of \$500,000 from the special educational trust fund for the fiscal year ending September 30, 1984, to Auburn University's Agricultural Experiment Station for the purchase of equipment and facilities at the Poultry Research Farm Phase II.

CHARLES BISHOP,
Chairperson.

REPORT FROM RULES

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 267. CONGRATULATING DR. JAMES E. MARTIN, PRESIDENT, AUBURN UNIVERSITY.

On motion of Senator Goodwin, the Resolution was than concurred in and adopted by the Senate.

MOTION TO ADJOURN

Senator Mitchem moved that when the Senate adjourns today, it adjourn to meet again on Wednesday, April 25, 1984, at 1 o'clock P.M., which motion was adopted.

BILLS ON THIRD READING RESUMED

The Bill:

H. 454. To amend § 40-23-7, Code of Alabama 1975, so as to revise the payment schedule to require that payers of large State sales tax liabilities will pay on an estimate basis during the period in which the tax liability accrues and to provide for distribution of the revenues.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 454, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 454

**A BILL
TO BE ENTITLED
AN ACT**

To amend § 40-23-7, Code of Alabama 1975, so as to revise the payment schedule to require that payers of large State sales tax liabilities will pay on an estimate basis during the period in which the tax liability accrues and to provide for distribution of the revenues.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-23-7, Code of Alabama 1975, is hereby amended as follows:

“The taxes levied under the provisions of this division, except as otherwise provided, shall be due and payable in monthly installments on or before the twentieth day of the month next succeeding the month in which the tax accrues.

On or before the twentieth of each month, every person on whom the taxes levied by this division are imposed shall render to the department of revenue, on a form prescribed by the department, a true and correct statement showing the gross sales, the gross proceeds of sales or gross receipts of his business, as the case may be, for the next preceding month; the amount of gross proceeds or gross receipts which are not subject to the tax, or are not to be used as a measurement of the taxes due by such person, and the nature thereof; together with such other information as the department may demand and require. At the time of making such monthly report such person shall compute the taxes due and shall pay to the department of revenue the amount of taxes shown to be due.

Any taxpayer liable for taxes under the provisions of this division whose average monthly state sales tax liability was \$1,000.00 or greater during the preceding calendar year shall make estimated payments to the department of revenue on or before the 20th day of the month in which the liability occurs as follows:

(a) The amount of the first estimated payment shall be sixty-six and two-thirds percent (66 $\frac{2}{3}$ %) of the taxpayer's actual tax liability for the month October 1983; thereafter the amounts of the payment shall be the lesser of sixty-six and two-thirds percent (66 $\frac{2}{3}$ %) of the taxpayer's actual tax liability for the same calendar month of the preceding year or sixty-six and two-thirds percent (66 $\frac{2}{3}$ %) of the current month's estimated liability.

(b) Any outstanding credit or deficit arising from the taxpayer's overpayment or underpayment of his final liability shall be applied to either

increase or reduce, as the case may be, that month's final tax liability which shall be reported and paid not later than the twentieth of the month next succeeding the month in which the tax accrues.

(c) The revenues derived from the first month of receipts of the estimated payments made under the provisions of this section shall be deposited to the credit of the State General Fund and for all succeeding months the revenues shall be deposited in accordance with § 40-23-35, Code of Alabama 1975.

(d) The provisions of this section shall not apply to the provisions of §§ 11-51-180, 11-51-200, and 40-12-4, Code of Alabama 1975.

When the total tax for which any person liable under this division does not exceed \$10.00 for any month, a quarterly return and remittance in lieu of the monthly returns may be made on or before the twentieth day of the month next succeeding the end of the quarter for which the tax is due when specially authorized by the department of revenue, and under such rules and regulations as may be prescribed.

The department of revenue, for good cause, may extend the time for making any return required under the provisions of this division, but the time for filing any such return shall not be extended for a period greater than 30 days from the date such return is due to be made."

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration does not affect the part which remains.

Section 3. This Act shall become effective on October 1, 1984.

Which was adopted.

Yeas 22; Nays 1.

Yeas:

Senators:	deGraffenried	Foshee	Parsons	
Aldridge	Denton	Goodwin	Sanders	
Barron	Dixon	Hand	Smith (J)	
Bedford	Drinkard	Langford	Strong	
Cabaniss	Ellis	Menton	Teague	
Covington	Figures	Mitchem		—22

Nay: Senator Little —1

And said Bill, H. B. 454, as thus amended by the substitute, was read a third time at length and passed.

Yeas 23; Nays 5.

Yeas:

Senators:	deGraffenried	Foshee	Menton	
Aldridge	Denton	Goodwin	Mitchem	
Barron	Dixon	Hand	Sanders	
Bedford	Drinkard	Hilliard	Smith (J)	
Bedsole	Ellis	Holmes	Strong	
Covington	Figures	Langford	Teague	—23

Nays:

Senators:	Cabaniss	Dial	Little	
Bailey	Cooley			—5

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Coburn:

H. 715. To make appropriations for the support and maintenance of the Talladega College for the fiscal year ending September 30, 1985.

Also:

By Reps. Nicholson and Brakefield:

H. 623. To make an appropriation for the support and maintenance of the Walker County Junior College for the fiscal year ending September 30, 1985.

Also:

By Rep. White (L):

H. 351. To make appropriations for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1985.

Also:

By Rep. Reed:

H. 360. To make appropriations for the support and maintenance of the Tuskegee Institute for the fiscal year ending September 30, 1985.

Also:

By Rep. Bryant:

H. 450. To make appropriations for the support and maintenance of the Marion Military Institute for the fiscal year ending September 30, 1985.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 715, 623, 351, 360, and 450. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated, and passed the following Bill:

By Rep. Coburn:

H. 439. To provide a fifteen percent or other cost-of-living increase for certain personnel in public education for the fiscal year ending September 30, 1985.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 439. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Coburn:

H. 231. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1985.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 231. To the Committee on Finance and Taxation.

MOTION TO ADJOURN LOST

At 7 o'clock P.M., Senator Hand moved that the Senate adjourn until Wednesday, April 25, 1984, at 1 o'clock P.M., which motion was lost.

BILLS ON THIRD READING RESUMED

The Bill:

H. 598. To provide that the department of economic and community affairs shall be the administrative state agency for contracts for sales of certain state property heretofore administered by the finance department; to provide for orderly transfer of certain properties and funds from the finance department to the department of economic and community affairs; to authorize the department of economic and community affairs to prescribe procedures, rules, and regulations for the administration of such contracts; to provide for collection of certain administrative fees associated with such contracts; to provide that said department shall be designated as the state agency for distribution of federally donated surplus property; to prescribe penalties for violations of this act; to provide for certain personnel for the department of economic and community affairs, and to specifically repeal Article 5, Chapter 16, Title 41, of the Code of Alabama, 1975.

was taken up.

The Standing Committee on Governmental Affairs reported the following substitute, for the Bill, H. B. 598, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 598

A BILL
TO BE ENTITLED
AN ACT

To provide that the department of economic and community affairs shall be the administrative state agency for contracts for sales of certain state property heretofore administered by the finance department; to provide for orderly transfer of certain properties and funds from the finance department to the department of economic and community affairs; to authorize the department of economic and community affairs to prescribe procedures, rules, and regulations for the administration of such contracts; to provide for collection of certain administrative fees associated with such contracts; to provide that said department shall be designated as the state agency for distribution of federally donated surplus property; to prescribe penalties for violations of this act; to provide for certain personnel for the department of economic and community affairs, and to specifically repeal Article 5, Chapter 16, Title 41, of the Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) The director of the department of economic and community affairs shall be responsible for the distribution, transfer, or disposal of all surplus personal property owned by the state and all right, title, interest, and equity in said property shall be transferred to said department for such purpose. The director may delegate to the chief of the surplus property division such supervision and control of the distribution or disposal of the aforementioned state owned surplus personal property.

(b) The meaning of certain words as used in this act are as follows:

(1) Division—shall mean surplus property division of the department of economic and community affairs.

(2) Surplus Property—shall mean that property declared by the personal property management coordinator of each state department, bureau, board, commission or agency to be surplus and so designated in writing to the chief of the division. All real property owned by any state department, bureau, board, commission, agency or institution, and any subdivision thereof; including, but not limited to, real property owned by any state college, university, two year college, technical school, or other postsecondary institution of higher learning shall be handled in the manner provided in Title 41, Chapter 4, Section 3, Code of Alabama 1975, or such other provisions of law as may be appropriate but in no circumstance shall any law regarding real property acquired, owned or disposed of by the state or any subdivision thereof be amended, substituted or in other manner altered by this act.

(3) Eligible Agency—shall mean any city, county, board of education, volunteer fire department, civil defense agency or state department, board, bureau, commission or agency that is not found to be in violation of division rules and regulations during the 12 months immediately preceding the intended purchase.

(4) Coordinator—shall mean that officer or employee who shall be designated by the head of each department, board, bureau, commission, institution, corporation or agency of the state, in writing, to the division, to be the personal property management coordinator.

(c) The coordinator shall report to the surplus property division of the

department of economic and community affairs any personal property declared surplus by his department, board, bureau, commission, institution, corporation, or agency and deliver said property to any place designated by the division to be the proper place for such delivery.

(d) The division shall be authorized to promulgate such administrative rules and regulations as deemed necessary including, but not limited to: (1) promotion of surplus property; (2) shipment of surplus property; (3) storage of surplus property; (4) length of retention of surplus property; (5) public auction of surplus property; (6) such other rules and regulations as, from time to time, may be determined to be necessary.

(e) The division shall have authority to sell surplus property at fair market value, as established by the division and set out in its published rules, to incorporated cities, counties, volunteer fire departments, boards of education, civil defense agencies and state departments, boards, bureaus, commissions, or agencies. Payment for purchases by any of the above mentioned entities shall be made within 72 hours after such purchase. If payment is not made within 72 hours after a purchase, then such purchase shall be declared void and the property may be sold to another purchaser.

Provided, however, the governing body of any municipality with a population of less than 5,000 shall be given preference on the disposal of all surplus motor vehicles owned by the State of Alabama except those motor vehicles transferred to other state agencies.

Said municipalities shall notify the division, in writing, of type motor vehicle needed. A list shall be maintained by the division of such needs on a first come, first served basis and will be used to notify the municipalities when needed vehicles become available. Any municipality so notified shall have 7 work days in which to reply to the notice and accept or refuse the available vehicle.

Section 2. (a) Surplus property shall be made available at such times and places as determined to be appropriate by the division for inspection and acquisition by those agencies determined to be eligible for such acquisition under criteria developed and published by the division.

(b) The division shall periodically publish a list of all surplus property held by it at the time of such publication.

(c) The published list shall be made available to all state departments, boards, bureaus, commissions, institutions, corporations, or agencies.

(d) The published list shall also be made available to all eligible counties, cities, boards of education, civil defense agencies, volunteer fire departments.

(e) The division will determine the manner in which the list of surplus personal property shall be published.

(f) The division shall not be authorized to handle or dispose of any regulated hazardous materials.

Section 3. (a) The division shall be authorized to collect fees for transfer, handling, shipping, classification, warehousing, bidding, destruction, scrapping, or other disposal of property and such other fees as may be deemed appropriate in order to insure the continued efficient operation of the surplus property function of the department.

(b) The division shall establish two accounts within the state treasury for the operation of the surplus property function as follows: (1) The first

account shall be known as the federal surplus property account into which all moneys received from the distribution of federally donated surplus property shall be deposited; (2) The second account shall be known as the state surplus property account into which all moneys received from the distribution of state owned surplus property and any funds appropriated from the state general fund for the operation of the surplus property function shall be deposited.

(c) Any moneys deposited into either of the aforementioned accounts may be expended from time to time by the department for operation of the surplus property function including, but not limited to, repairs, salaries, rent, travel, acquisition of exchange and surplus property, and all other necessary operating expenditures providing, however, that on September 30 any unencumbered moneys remaining in the state surplus property account, up to an amount equal to the operating expenses of the quarter ending on September 30, shall be set aside for use during the quarter beginning October 1 for the purposes heretofore stated and any remainder shall revert to the state general fund. The federal surplus property account shall be a perpetual account, and funds therein shall not revert to the state general fund.

Section 4. The following provisions of this section shall apply only to that property that has been held by the division for a period of not less than 60 days from the date said property is first published in the list of surplus property, as set out in Section 2(b), and not purchased by any agency as set out in Section 1(e) of this act.

(a) All contracts made by, or on behalf of, the state of Alabama, or any department, board, bureau, commission, institution, corporation, or agency thereof, of whatever nature for the sale or disposal of tangible personal property owned by the state of Alabama, other than (1) alcoholic beverages, (2) products of the Alabama Institute for Deaf and Blind, (3) barter arrangements of the state prison system, (4) books, (5) school supplies, (6) food, (7) property used in vocational projects, (8) livestock, (9) property owned by any state college or university not under the control of the board of education of the state of Alabama, which has trade-in value which may be credited against the cost of replacement property purchased in accordance with the Alabama competitive bid laws, and (10) types of property, the disposal of which is otherwise provided or by law or which, by nature, are incapable of sale by auction or bid, shall be let by free and open competitive public auction or sealed bids.

(b) Every proposal to make a sale covered by this section shall be advertised for at least two weeks in advance of the date fixed for receiving bids. Such advertisement shall appear at least once a week for two consecutive weeks in a newspaper of general circulation in the county where the sale is to be made, and a copy of such proposal shall simultaneously be posted on a readily accessible public bulletin board at the main office of the chief of the division. Advertisements for bids shall state the item or items to be sold, by class and description, where the property is located and the dates, time, and place the property may be inspected. The advertisements shall further state the date, time, and place of auction or opening of sealed bids, and no bid shall be received at any time after the time advertised.

(c) The bids shall be publicly taken or opened, in case of sealed bids, by the chief of the division and all bidders shall be entitled to be present in person or by representative.

(d) The award of the contract shall be made to the successful bidder within 72 hours after taking of the bids.

(e) The bid of the successful bidder so marked, as well as the bids of the unsuccessful bidders in the case of sealed bids, shall be placed on file open to public inspection and shall become matters of public record.

(f) If a successful bidder shall fail to accept award of a contract, then he shall be prohibited from bidding at any sale held by the division for a period of 12 months following such failure to accept.

(g) The chief of the division may sell all items by lot or by individual item, whichever method, in his opinion, will bring the highest return for the items so advertised.

(h) In the event all bids received are less than the estimated market value of the property, the chief of the division shall reject all bids and readvertise and rebid.

(i) Nothing herein shall be construed to prevent the chief of the division from contracting with the highest bidder for any type of property to sell to that bidder all of that type of property at his bid price during that fiscal year providing such possible arrangement was included in the initial request for bids.

(j) All property advertised under the provisions of this section shall be available for inspection during the normal state office hours and at whatever place advertised for at least 48 hours prior to sale.

(k) All property sold under the provisions of this section shall be paid for by the purchaser or his representative by cashier's check, bank draft, certified check, U.S. currency, or notarized bank letter stating that the holder may purchase surplus property and also stating a maximum amount, at the time of acceptance of bid and award of contract, and said removal shall be not later than seven days after the awarding of the contract; provided, however, that the time limit of seven days shall not be applicable to sales of standing timber.

(l) All proceeds from sales made under the provisions of this section shall be paid into the state treasury or other legally authorized depository to be credited to the proper fund as set out in Section 3(b) prior to final distribution as set out in Section 4(p).

(m) No officer or employee of the state of Alabama or any of its departments, boards, bureaus, commissions, institutions, corporations, or agencies shall act as agent for any bidder; provided, however, that such officers or employees shall not be excluded from bidding on or purchasing state property at public sale or sealed bid.

(n) Any sale of tangible personal property or standing timber of the state made in violation of the terms of this act shall be null and void, and the person or persons responsible for the violation shall be subject to liquidated damages of not less than \$1,000.00 nor more than \$10,000.00, which may be recovered for the state of Alabama by the attorney general by civil action in the circuit court of Montgomery County. Any moneys recovered by the attorney general under this section shall be equally divided between the office of the attorney general and the state general fund.

(o) The provisions of this act shall not apply to the sale of diseased, storm or fire-damaged timber, nor shall it apply to timber cut on rights-of-way or easements. Such timber may be sold or otherwise disposed of in such manner as the commissioner of conservation and natural resources deems in the best interest of the state; provided, that no sale of diseased timber shall be made until the state forester shall certify that such timber is diseased,

and such certification shall be in written form and filed with the director of finance.

(p) Whenever any surplus property that was purchased with either earmarked state funds or restricted federal funds is sold by the division, the proceeds from such sale, less administrative expenses, shall be deposited to the credit of the specific fund of the state department, commission, or agency from which the original purchase of such property was made within 30 days from receipt of said proceeds. If the source of the original purchase of the property was a general fund appropriation, then said sale proceeds, less any administrative fee, as set out in the rules authorized to be promulgated by the division, shall be credited to the account from which it was purchased. In no event shall the said administrative fee, as mentioned above, exceed twenty-five percent (25%) of the gross sale price.

(q) All educational and eleemosynary institutions, not exempted in Section 4(a), governed by a board of trustees or other similar governing body, the department of mental health, and state docks department shall be governed by the provisions of this act.

(r) Violation of any of the provisions of this act shall constitute a Class B misdemeanor punishable as prescribed by law.

Section 5. All personnel, including those on personal service contracts, working within the surplus property division of the department of economic and community affairs at the passage of this bill shall, by virtue of this section, be considered to meet the requirements of the department in terms of education, training, and experience and shall automatically be placed within the state merit system with permanent status with all the rights and privileges thereof and shall enjoy the same employment and retirement privileges and rights as the legislature may determine from time to time or as may be otherwise determined by law or administrative rule or regulation according to the rules and regulations of the personnel department of the state of Alabama. All new future employees of the surplus property division of the department of economic and community affairs shall be required to meet the requirements of the state merit system.

All present employees of the surplus property division of the department of economic and community affairs shall remain in their respective positions and continue to enjoy employment conditions including, but not limited to, salary range and advancement at a level no less than those enjoyed prior to the enactment of this bill. However, nothing herein shall be construed to prevent or preclude the removal of an employee for cause in the manner provided by law.

Section 6. All appropriations heretofore made to the finance department for administering the disposal of surplus property under Article 5, Chapter 16, of Title 41, of the Code of Alabama 1975, shall be transferred to the surplus property division of the department of economic and community affairs, along with all personnel, records, accounts, equipment, and such other necessary things connected with the surplus property operation as determined by the finance director.

Section 7. The temporary state plan of operation for the state agency for federal property assistance which was approved by the governor of Alabama on July 14, 1977, and accepted by the general services administration on September 14, 1977, shall become the permanent state plan of operation; provided, however, the division shall have authority, with approval of the governor, to revise said plan from time to time in accordance with regula-

tions as established by the general services administration pursuant to Public Law 94-519 which governs the distribution of federal surplus property.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws in conflict herewith are hereby repealed and the provisions of Article 5, Chapter 16, Title 41, of the Code of Alabama 1975, are hereby specifically repealed.

Section 10. This act shall become effective October 1, 1984.

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Senators:	Cooley	Ellis	Little	
Amari	Covington	Foshee	Parsons	
Barron	deGraffenried	Goodwin	Smith (J)	
Bedford	Denton	Hand	Strong	
Bedsole	Dixon	Holmes	Teague	
Cabaniss	Drinkard	Langford		—22

Nays: —0

And said Bill, H. B. 598, as thus amended by the substitute, was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Senators:	Corbett	Foshee	Mitchem	
Aldridge	Covington	Goodwin	Parsons	
Barron	Denton	Hand	Sanders	
Bedford	Dial	Hilliard	Smith (B)	
Bedsole	Dixon	Holmes	Smith (J)	
Bishop	Drinkard	Langford	Strong	
Cabaniss	Ellis	Menton	Teague	
Cooley				—28

Nays: —0

The Bill:

H. 208. To amend Section 16-8-26, Code of Alabama, 1975, which provides for personal leave for teachers, so as to provide further for said leave, and to provide for creditable service for purposes of service retirement for unused accrued sick leave.

was taken up.

Senator Parsons offered the following amendment to the Bill, H. B. 208, to-wit:

AMENDMENT TO H. B. 208

In Section 1, page one, line 28, after the word "pay" add the words: "and shall be granted upon request of the teacher."

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Reed:

H. 542. To make an appropriation of certain Trust Income from the Alabama Heritage Trust Income Account to Tuskegee Institute for capital outlay for the fiscal year ending September 30, 1984.

Also:

By Rep. Mathis:

H. 136. Relating to the eradication and control of swine diseases; to make a conditional appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1985, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 542 and 136. To the Committee on Finance and Taxation.

FURTHER CONSIDERATION OF H. B. 208

The Senate proceeded to further consideration of the Bill, H. B. 208. The question was on the amendment offered by Senator Parsons.

And said amendment was then adopted by the Senate.

Yeas 14; Nays 5.

Yeas:

Senators:	Covington	Hilliard	Sanders	
Bedford	Denton	Holmes	Strong	
Cooley	Dixon	Langford	Teague	
Corbett	Foshee	Parsons		—14

Nays:

Senators:	Cabaniss	Hand	Mitchem	
Barron	Dial			—5

Senator Parsons then offered the following amendment No. 2 to the Bill, H. B. 208, as amended, to-wit:

AMENDMENT TO H. B. 208, AS AMENDED

In Section 1, page 1, line 38, add a new sentence to read as follows: "No teacher, as a condition to receive personal leave, shall be required to divulge his/her reasons for requesting such leave."

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Senators:	Denton	Goodwin	Mitchem	
Barron	Dixon	Hand	Parsons	
Bedford	Drinkard	Hilliard	Smith (J)	
Cabaniss	Ellis	Holmes	Strong	
Cooley	Foshee	Menton	Teague	
Corbett				—20

Nays: —0

Senator Cabaniss offered the following amendment to the Bill, H. B. 208, as amended, to-wit:

AMENDMENT TO H. B. 208, AS AMENDED

Amend House Bill No. 208, as amended, page 1 Line 22, by striking out the words "shall be authorized to" after the word education

and adding after the word education on line 21 the following "may at its discretion".

Which was lost.

Yeas 12; Nays 14.

Yeas:

Senators:	Cabaniss	Ellis	Menton	
Amari	Cooley	Foshee	Mitchem	
Barron	Dial	Hand	Smith (B)	
Bedsole				—12

Nays:

Senators:	Dixon	Holmes	Smith (J)	
Bedford	Drinkard	Langford	Strong	
Corbett	Figures	Parsons	Teague	
Denton	Hilliard	Sanders		—14

MOTION TO ADJOURN LOST

At 7:45 P.M., Senator Little moved that the Senate adjourn until Wednesday, April 25, 1984, at 1 o'clock P.M., which motion was lost.

FURTHER CONSIDERATION OF H. B. 208

The Senate proceeded to further consideration of the Bill, H. B. 208, as amended.

Senator Dial offered the following amendment to the Bill, H. B. 208, as amended, to-wit:

AMENDMENT TO H. B. 208, AS AMENDED

Amend House Bill No. 208, as amended, Page 1 Line 21, by inserting after the word

Education:

or the Alabama Institute of Deaf & Blind

Senator Barron moved that further consideration of the Bill,

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H. B. 208, as amended, be postponed until the Twenty-Second Legislative Day.

Senator Dixon moved that the motion to postpone be laid on the table, which motion was lost.

The question was then on the motion of Senator Barron that further consideration of the Bill, H. B. 208, as amended, be postponed until the Twenty-Second Legislative Day, which motion was lost.

Yeas 10; Nays 17.

Yeas:

Senators:	Cabaniss	Ellis	Smith (B)	
Barron	Covington	Foshee	Teague	
Bedsole	Dial	Hand		—10

Nays:

Senators:	Corbett	Hilliard	Mitchem	
Amari	deGraffenried	Holmes	Parsons	
Bailey	Denton	Langford	Smith (J)	
Bedford	Dixon	Little	Strong	
Cooley	Drinkard			—17

The question was then on the amendment offered by Senator Dial.

And said amendment was then adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Senators:	Dial	Hilliard	Parsons	
Bailey	Dixon	Holmes	Smith (B)	
Bedford	Drinkard	Langford	Smith (J)	
Cooley	Ellis	Little	Strong	
Covington	Foshee	Menton	Teague	
Denton	Hand			—21

Nays:

—0

Senator Barron moved that further consideration of the Bill, H. B. 208, as amended, be postponed subject to the call of the Chair.

Senator Dixon moved that the motion to postpone, be laid on the table, which motion was lost.

The question was then on the motion to postpone subject to the call of the Chair, which motion was lost.

Yeas 12; Nays 15.

Yeas:

Senators:	deGraffenried	Foshee	Mitchem	
Barron	Dial	Hand	Smith (B)	
Cabaniss	Ellis	Little	Teague	
Covington				—12

Nays:

Senators:	Bedford	Denton	Hilliard	
Amari	Cooley	Dixon	Holmes	
Bailey	Corbett	Drinkard	Langford	

Parsons

Sanders

Smith (J)

Strong

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BILLS POSTPONED

On motion of Senator deGraffenried, further consideration of the remaining Bills, H. B. 208, S. B. 449, S. B. 486, S. B. 407, S. B. 121, and S. B. 372, on the Consent Calendar for today, be postponed subject to the call of the Chair.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bills and Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 11

S. J. R. 146

S. J. R. 148

S. J. R. 154

S. J. R. 170

S. J. R. 172

Delivered to the Governor, April 24, 1984, at 2:35 P.M.

S. B. 134

S. B. 135

S. B. 223

Delivered to the Governor, April 24, 1984, at 5:15 P.M.

McDOWELL LEE,
Secretary of Senate

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 8:05 P.M., on motion of Senator deGraffenried, in accordance with motion heretofore adopted, the Senate adjourned until Wednesday, April 25, 1984, at 1 o'clock P.M.

TWENTY-SECOND LEGISLATIVE DAY**WEDNESDAY, APRIL 25, 1984**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by the Reverend Carl Head, Associate Pastor, Highland Gardens Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Ashley Aaron, Elmore County High School, Eclectic, Alabama.

ROLL CALL

Present:

Senators:	Cabaniss	Figures	Mitchem
Aldridge	Cooley	Foshee	Parsons
Amari	Corbett	Goodwin	Pearson
Bailey	Covington	Hand	Sanders
Barron	deGraffenried	Hilliard	Smith (B)
Bedford	Denton	Holmes	Smith (J)
Bedsole	Dial	Langford	Strong
Bennett	Drinkard	Little	Teague
Bishop	Ellis	Menton	

—34

JOURNAL

On motion of Senator Holmes, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-First Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Twenty-First Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator Holmes, leave of absence was granted Senator Dixon for today.

RESOLUTIONS

Senator Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 191. COMMENDING THE RUSSELL CORPORATION OF ALEXANDER CITY, ALABAMA.

WHEREAS, the Alabama Legislature, in highest commendation, extends heartiest congratulations to the Russell Corporation of Alexander City, Alabama, citationist of the 1984 President's Volunteer Action Awards; and

WHEREAS, the Russell Corporation, in recognition of outstanding American volunteer achievement, was honored for a number of its programs including utilization of the company's financial and human resources to provide community assistance; and

WHEREAS, more specifically, Russell Corporation provides special support to the local RSVP recycling program, encourages employee involvement in Scouting, and annually sponsors the day-long Oktoberfest for local craftsmen and various organizations; and

WHEREAS, it is further to be noted that the Russell Corporation of Alexander City was one of only 31 award recipients and citationists selected from a field of over 2500 nominations, nationwide; now therefore,

BE-IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate the Russell Corporation of Alexander City, Alabama; we further express deep and sincere gratitude for the corporation's community support and involvement and direct that a copy of this resolution be forwarded to company officials in small token of the legislature's appreciation and esteem.

On motion of Senator Little, the Rules were suspended and the Resolution was adopted by the Senate.

Senator Corbett offered the following Senate Resolution, to-wit:

S. R. 192. MOURNING THE DEATH OF MR. HUGH ASHBY BENTLEY OF PHENIX CITY, ALABAMA.

Which was adopted.

Senator Smith (J) offered the following Senate Resolutions, to-wit:

S. R. 193. COMMENDING MR. JACKSON PARKER BURWELL OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING COMMUNITY INVOLVEMENT.

Also:

S. R. 194. COMMENDING MR. JOE H. ADAMS FOR OUTSTANDING SERVICE TO THE HUNTSVILLE COMMUNITY.

Which were adopted.

INTRODUCTION OF BILLS

Upon the call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Senator Aldridge (With Notice and Proof):

S. 618. Relating to the 8th Judicial Circuit; to provide an additional expense allowance to each court reporter.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 618, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Aldridge (With Notice and Proof):

S. 619. Relating to Morgan County; to amend Section 1 of Act No. 733, S. 811, Regular Session 1977 (Acts 1977, p. 1279) which regulates the compensation of members of the county board of registrars, so as to provide further for such compensation and to specifically repeal Act No. 622, H. 1108, 1981 Regular Session (Acts 1981, p. 1036).

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 619, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Aldridge (With Notice and Proof):

S. 620. To provide an annual salary supplement for the clerk of the Morgan County Jury Commission, to be paid by the county; to provide that such supplement shall be in an amount so as to make the total salary of the Clerk of the Jury Commission equal to the total salary received by the Chairman of the Board of Registrars of said county; and to provide an effective date.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 620, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Sanders (With Notice and Proof):

S. 621. To amend the Title and Section 4 of Act No. 80-572, S. 576 (Acts 1980, p. 885), said act relating to Lowndes County and the additional levy of tax on persons, firms and corporations selling and distributing or delivering malt or brewed beverages to retailers, so as to provide further for the administration of the Juvenile Services Trust Fund Account.

Committee on Local Legislation No. 1.

I hereby certify that the notice and proof is attached to the Bill, S. B. 621, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Senator Hilliard:

S. 622. To make an appropriation from the state general fund, for the fiscal year ending September 30, 1984, for the relief of Clarence Norris who was wrongfully convicted as one of the nine "Scottsboro Defendants."

Committee on Finance and Taxation.

By Senators Strong, Parsons, Aldridge, and Cooley:

S. 623. To provide for the crime of library theft; to authorize, under certain circumstances, library employees or agents to detain suspected offenders if such detention is based on probable cause; to provide criminal and civil immunity for such library personnel for detentions and resulting arrests authorized under this act; to authorize arrest for the offense by law enforcement officers, without a warrant and upon probable cause; to provide a misdemeanor penalty for the offense which shall be cumulative to existing theft penalties of this state; and to require public and conspicuous display of the provisions of this act in libraries and other institutions covered by this act.

Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate for its consideration:

S. J. R. 176. WELCOMING, IN COMMENDATION, PRESIDENT JIMMY CARTER TO THE STATE OF ALABAMA.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Hilliard, the Senate concurred in and adopted the following House amendment to the Resolution, S. J. R. 176, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR SENATE JOINT RESOLUTION

S. J. R. 176. WELCOMING, IN COMMENDATION, PRESIDENT JIMMY CARTER TO THE STATE OF ALABAMA.

WHEREAS, James Earl (Jimmy) Carter, our nation's 39th President, was the first president from the Deep South to be elected in more than one hundred years; and

WHEREAS, a native of our neighboring State of Georgia, President Carter attended Georgia Institute of Technology in Atlanta and graduated from the United States Naval Academy at Annapolis, serving in the Navy's nuclear submarine program as an aide to Admiral Hyman Rickover; and

WHEREAS, President Carter served as Chief Executive from 1977 to 1981, during which term he was instrumental in the peace negotiations between Israel and Egypt, and ultimately was successful in obtaining the release of the 52 Americans held hostage in Iran; and

WHEREAS, we have learned with pleasure that President Carter shortly will be visiting the State of Alabama for the purpose of addressing

students at Samford University, and the general public of Birmingham; it is a visit we greatly anticipate and we indeed welcome President Jimmy Carter to our state; and

WHEREAS, the Birmingham Bar Association invited President Jimmy Carter to speak at Samford University for Law Day; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend President Jimmy Carter from the Deep South State of Georgia and, on behalf of all Alabamians, extend to him a sincere warm welcome to Birmingham and to Alabama; and we gratefully extend our thanks to the Birmingham Bar Association for inviting President Jimmy Carter to speak at Samford University for Law Day.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for President Carter and presented in token of a friendship we value most highly.

REPORTS OF COMMITTEES

Senator Foshee, Chairperson of the Standing Committee on Buildings and Grounds, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Coburn:

H. 591. To repeal Act No. 80-90 of the 1980 Regular Session of the Alabama Legislature; to prohibit any further transfers from the state insurance fund pursuant to Act No. 80-90; and to provide for the transfer back of funds heretofore transferred from the state insurance fund pursuant to Act No. 80-90, by the State Finance Director with approval of the Governor.

Senator Pearson, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Senator Bennett (With Notice and Proof):

S. 544. Relating to Jefferson County; providing further for the cost and charges in all district court cases and providing for the establishment of a Family Court Probation Fund in the county and the distribution of such funds.

Senator Pearson, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Senator Bennett (With Notice and Proof) (With Amendment):

S. 547. Relating to Jefferson County; providing for the reclassification of the rank of Probation Officer and for a uniform compensation schedule for all Probation Officers in the Family Court in said county; and providing for retroactive effect.

Senator Pearson, Chairperson of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable

report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Boles, McDowell, Trammell, Gray, Spratt, and Preuit (With Notice and Proof):

H. 503. To provide a supplemental salary for the elected deputy circuit clerk serving the Bessemer Cut-Off Division of the Tenth Judicial Circuit.

By Reps. McDowell, Spratt, White (G), Beers, Seibels, McNair, Davis, Pratt, Escott, Rogers, and Boles (With Notice and Proof):

H. 509. Relating to Jefferson County; providing for an expense allowance for the Assistant Tax Assessor payable from the County General Fund and for an expiration date.

By Reps. McDowell, Spratt, White (G), Beers, Seibels, McNair, Davis, Pratt, Escott, Rogers, and Boles (With Notice and Proof):

H. 510. Relating to Jefferson County; providing for an expense allowance for the Assistant Tax Collector payable from the County General Fund and for an expiration date.

By Reps. McDowell, Gray, Boles, Spratt, White (G), Beers, Seibels, Bachus, McNair, Davis, Pratt, Escott, and Rogers (With Notice and Proof):

H. 508. Relating to Jefferson County; providing for the salary of the Assistant Tax Assessor payable from the County General Fund.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Senators Foshee and Hand:

S. 192. To make a supplemental appropriation from the general fund in the state treasury to the office of the Secretary of State the fiscal year ending September 30, 1984.

By Senators Mitchem, Little, and Barron:

S. 194. To make appropriations for the support and maintenance of the Tuskegee Institute for the fiscal year ending September 30, 1985.

By Senators Mitchem, Little, and Barron:

S. 195. To make appropriations for the support and maintenance of the Talladega College for the fiscal year ending September 30, 1985.

By Senators Mitchem, Little, and Barron:

S. 196. To make appropriations for the support and maintenance of the Lyman Ward Military Academy for the fiscal year ending September 30, 1985.

By Senators Goodwin, Mitchem, Little, and Barron:

S. 197. To make appropriations for the support and maintenance of the Marion Military Institute for the fiscal year ending September 30, 1985.

By Senators Mitchem and Little:

S. 230. To make appropriations for the support and maintenance of

the Walker County Junior College for the fiscal year ending September 30, 1985.

By Senator Aldridge:

S. 414. To provide for a guaranteed minimum starting wage or salary for all county law enforcement officers of this state and provide for the enforcement of the provisions of this act.

By Senator Goodwin:

S. 585. To make supplemental appropriations from the Public Road and Bridge Fund to the State Highway Department for the fiscal year ending September 30, 1984.

By Reps. Onderdonk and Marietta:

H. 215. To amend Section 1 of Act No. 83-889, Fourth Special Session of 1983, so as to define "Discovery well", "Development wells", "On-shore well", "Replacement well", "Commenced", "Completion" and "Pool", and to amend Section 2 of Act No. 83-889, Fourth Special Session of 1983, so as to provide that all oil and gas produced from onshore discovery wells, all oil and gas produced from onshore development wells on which drilling commenced within four years of the completion date of the discovery well and producing from a depth of 6,000 feet or greater, and all oil and gas produced from onshore development wells on which drilling commenced within two years of the completion date of the discovery well and producing from a depth less than 6,000 feet shall be taxed at a rate of six (6) percent of the gross value of said oil and gas at the point of production for a period of five (5) years from the date production begins from said discovery and development wells, provided that said discovery and development wells were permitted by the State Oil and Gas Board of Alabama after July 1, 1984; and providing further that the six (6) percent tax rate applicable to a discovery well or development well shall be applicable to any replacement well drilled to replace the discovery well or the development well during the six-percent, five-year, tax-rate period for only the remainder of the said tax-rate period.

By Rep. Campbell:

H. 220. This bill amends Section 40-18-31, Code of Alabama 1975 by raising the tax rate from 5% to 6% on the taxable income of corporations.

By Rep. Campbell:

H. 221. This bill amends Section 40-18-5, Code of Alabama 1975 by raising the tax rate of individuals from 5% to 6% on taxable income above \$8,000.00. This bill further amends Section 40-18-19, Code of Alabama, 1975, by exempting the first \$8,000.00 of certain retirement compensation received by Alabama residents.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Campbell (With Substitute):

H. 233. To propose a constitutional amendment amending Article XI, Section 214, Constitution of Alabama of 1901, providing for the levy by the

State, in addition to all other taxes presently levied, of a 6 mill tax on property, and providing for certain exemptions therefrom.

The above Bill was read a second time at length as required by the Constitution.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Campbell:

H. 235. To exempt from the special property tax levied in the amendment to Article XI, Section 214, Constitution of Alabama of 1901, proposed in House Bill No. 233 introduced at the 1984 Regular Session of the Legislature of Alabama agricultural and forest property, as defined in Section 40-8-1, Code of Alabama 1975, as amended, owned by natural persons or a family farm corporation, up to an amount not exceeding \$50,000 in assessed value; to provide a procedure for application for and the administration of said exemption; and to provide an effective date for the Act.

By Rep. Campbell:

H. 236. To amend Section 40-9-19, Code of Alabama 1975, as previously amended, so as to define the types of local school taxes subject to the homestead exemption; and to provide an effective date for the Act.

By Rep. Campbell:

H. 427. To exempt from the special property tax levied in the amendment to Article XI, Section 214, Constitution of Alabama of 1901, proposed in House Bill No. 233 introduced at the 1984 Regular Session of the Legislature of Alabama, Class II real property, as defined in Section 40-8-1, Code of Alabama 1975, as amended, owned by natural persons, up to an amount not exceeding \$40,000 in assessed value; to provide a procedure for application for and the administration of said exemption; and to provide an effective date for the Act.

Senator Mitchem, Chairperson of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Browder, Drake, Brakefield, Turnham, Grouby, Crow, Smith, Butler, Campbell, Martin, Richardson, Flowers, Preuit, White (G), Beers, Bachus, Bowling, Blake, Kennedy, Davis, Mathis, Tanner, Parker, Junkins, Holley, Clark (D), Mitchell, Newman, Nicholson, Clark (J), Ford, Coleman, Bugg, Johnson (R.G.), Lauderdale, Biddle, Trammell, Johnson (Roy), Lindsey, Clark (W), Zoghby, Bryant, White (L), Blakeney, Poole, Starkey, Goodwin, Hettinger, Albright, Harvey, McDowell, Pratt, Spratt, Gray, Carothers, Perdue, Burke, Thomas, Melton, Grimsley, Warren, and Onderdonk (With Substitute) (With Amendment):

H. 670. Relating to educational reform; providing for a comprehensive plan for improving instruction in science, mathematics, computer education and other designated critical areas; providing for a scholarship loan program to attract able students into the teaching profession in subjects of mathe-

matics, science, computer education and other critical areas; providing a program for certified teachers to add to their certificate mathematics, science, computer education and other critical areas; providing a program whereby provisionally certified persons with extensive preparation in mathematics, science and computer education may serve as an emergency source of teachers; providing rigorous in-service training for public school personnel; amending Sections 16-23-18, 16-23-20, 16-23-21 and 16-23-23, Code of Alabama 1975, and repealing Section 16-23-19, Code of Alabama 1975, all relating to emergency secondary education scholarships, so as to transfer authority for the administration of the scholarships from the state board of education to the Alabama commission on higher education; creating and providing for the governor's educational reform commission; and providing for appropriations to carry out the provisions of this act.

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that the following Bills have been placed on the Consent Calendar for today, to-wit:

By Reps. Smith, Richardson, Clark (J), and Starr:

H. 558. To amend Section 2-3-20, Code of Alabama (1975); to provide for farmers' market facilities throughout this State for the efficient handling and sale of agricultural and agriculture related products; to create a certain farmers' market committee to advise on matters pertaining to such facilities; to prescribe the composition of such committee and the terms, duties, meetings, regulations and compensation of its membership; to prescribe punishment for violators of regulations adopted pursuant to this Act.

By Reps. Smith, Richardson, Clark (J), and Starr:

H. 554. To allow the Governor, the Director of Finance and the Commissioner of Agriculture and Industries to organize a public corporation for the purpose of issuing bonds or other debt securities to be used for constructing and maintaining an agricultural market facility and to renovate the existing Garrett Coliseum and other buildings on the Coliseum grounds; to provide procedures for the organization of said corporation; to set out powers of the corporation; to authorize the issuance of up to \$6,000,000 in securities, which shall be special obligations of the corporation, payable from specified sources and which shall not be obligations or debts of any kind of the State; to provide that not more than 60% of the proceeds of sale of such securities may be expended for the construction of an agricultural market facility and not more than 40% of such proceeds may be expended for renovation of the Coliseum and other buildings on the Coliseum grounds; to provide for methods of executing and selling such securities and for paying the principal of and any premium and interest on such securities; to provide that the monies realized from leases paid by the public for use of the market, after expenses incurred in operating the market are deducted, may be pledged and used to defray the cost of 60% of the securities; to provide that the monies obtained from the public for rents and other receipts realized from use of the Coliseum, after expenses incurred in operating the Coliseum are deducted, may be pledged and used to defray the cost of 40% of the securities; and to provide that, if all of the above funds are insufficient, then to pledge monies received from fees, licenses, permits, fines and penalties collected by the Department of Agriculture and Industries and paid into the agricultural fund, for the payment of the principal of and any premium and interest on the securities; to provide that any monies received from the sale of the securities shall only be used to construct, acquire and equip an agricultural market facility, and for renovation of the

Coliseum and other buildings located on the Coliseum grounds; to provide that the State Board of Agriculture and Industries shall construct the market under the guidance of the State Building Commission; to provide that the Agricultural Center Board shall be responsible for renovation of the Coliseum and other buildings on the Coliseum grounds; to provide for the refunding of the securities and procedures for the deposit, investment and disposition of proceeds of sale of the securities; to provide for limitation of any action to contest the validity of the securities; to provide that the securities are legal investments and that the securities of the corporation and any premium and interest thereon, the property and income of the corporation, and any public filings by it are exempt from taxation; and to provide for dissolution of the corporation.

By Rep. Britnell:

H. 346. To amend sections 22-50-1 thru 22-50-6, 22-50-8 thru 22-50-17, 22-50-19, 22-50-20 and 22-50-23 of the code of Alabama 1975, relating to the department of mental health so as to redesignate the department of mental health as the department of mental health and mental retardation; to designate the method of appointing members of the mental health and mental retardation board and to provide that such board shall be advisory, to specifically repeal Section 22-50-7, and to establish the department as a state agency responsible to the governor of Alabama.

By Senator Smith (J):

S. 538. To amend Chapter 17 of Title 27, Code of Alabama 1975, by adding a new section to modify the method of calculating reserves on burial insurance policies.

By Senator Bennett (With Substitute):

S. 93. To provide for and define an additional income tax deduction for a qualified charitable contribution and for a qualified research contribution of certain personal property which is computer, scientific or technological equipment, as defined; to prescribe the conditions and calculations for such deductions; to provide that the same property does not qualify for more than one deduction; to prescribe the period for said deductions; to make the provisions retroactive and to provide for the powers and duties of the department of revenue.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, and House Joint Resolution, your signature thereto is requested.

H. 88. To require all tags, plates or attachments on motor vehicles to comply with certain federal standards as relates to reflection properties; to require the revenue department to implement the provisions of this act and to authorize rule and regulation power for such purposes; to provide for an increase in tag or plate costs for passenger automobiles, trucks with a gross weight of 8,000 pounds or less and motorcycles; to provide for the collection, distribution and use of such fees; to provide that this act shall be supplemental to and in pari materia to existing law; and to provide an effective date.

Also:

H. J. R. 267. CONGRATULATING DR. JAMES E. MARTIN,
PRESIDENT, AUBURN UNIVERSITY.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

BILLS ON THIRD READING

The Bill:

H. 558. To amend Section 2-3-20, Code of Alabama (1975); to provide for farmers' market facilities throughout this State for the efficient handling and sale of agricultural and agriculture related products; to create a certain farmers' market committee to advise on matters pertaining to such facilities; to prescribe the composition of such committee and the terms, duties, meetings, regulations and compensation of its membership; to prescribe punishment for violators of regulations adopted pursuant to this Act.

was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Senators:	Cabaniss	Hand	Mitchem
Bailey	Corbett	Holmes	Parsons
Bedford	Dial	Langford	Smith (B)
Bedsole	Drinkard	Little	Strong
Bennett	Goodwin	Menton	

—18

Nays:

—0

The Bill:

H. 554. To allow the Governor, the Director of Finance and the Commissioner of Agriculture and Industries to organize a public corporation for the purpose of issuing bonds or other debt securities to be used for constructing and maintaining an agricultural market facility and to renovate the existing Garrett Coliseum and other buildings on the Coliseum grounds; to provide procedures for the organization of said corporation; to set out powers of the corporation; to authorize the issuance of up to \$6,000,000 in securities, which shall be special obligations of the corporation, payable from specified sources and which shall not be obligations or debts of any kind of the State; to provide that not more than 60% of the proceeds of sale of such securities may be expended for the construction of an agricultural market facility and not more than 40% of such proceeds may be expended for renovation of the Coliseum and other buildings on the Coliseum grounds; to provide for methods of executing and selling such securities and for paying the principal of and any premium and interest on such securities; to provide that the monies realized from leases paid by the public for use of the market, after expenses incurred in operating the market are deducted,

may be pledged and used to defray the cost of 60% of the securities; to provide that the monies obtained from the public for rents and other receipts realized from use of the Coliseum, after expenses incurred in operating the Coliseum are deducted, may be pledged and used to defray the cost of 40% of the securities; and to provide that, if all of the above funds are insufficient, then to pledge monies received from fees, licenses, permits, fines and penalties collected by the Department of Agriculture and Industries and paid into the agricultural fund, for the payment of the principal of and any premium and interest on the securities; to provide that any monies received from the sale of the securities shall only be used to construct, acquire and equip an agricultural market facility, and for renovation of the Coliseum and other buildings located on the Coliseum grounds; to provide that the State Board of Agriculture and Industries shall construct the market under the guidance of the State Building Commission; to provide that the Agricultural Center Board shall be responsible for renovation of the Coliseum and other buildings on the Coliseum grounds; to provide for the refunding of the securities and procedures for the deposit, investment and disposition of proceeds of sale of the securities; to provide for limitation of any action to contest the validity of the securities; to provide that the securities are legal investments and that the securities of the corporation and any premium and interest thereon, the property and income of the corporation, and any public filings by it are exempt from taxation; and to provide for dissolution of the corporation.

was taken up.

Senator Bailey offered the following amendment to the Bill, H. B. 554, to-wit:

AMENDMENT TO H. B. 554.

Amend House Bill No. 554 as follows:

Delete the word "may", appearing after the word "tenor" on line 15 on page No. 11, and substitute in lieu thereof the word

"shall".

Delete the words "or bearer" and the words "either as to principal or interest" appearing on line 16, on page 11.

Delete the words "or both" appearing on line 17 of page No. 11.

Between the word "Department" and the word "of" appearing on line 38 of page No. 12, insert the following words:

"or State Treasurer's Office".

Delete line 39 appearing on page 12 in its entirety.

Delete line 5 appearing on page 13 in its entirety and also delete the remainder of this sentence appearing as the first seven words or parts of words appearing on line 6 of page No. 13.

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Senators:	Bedsole	Denton	Foshee
Bailey	Cabaniss	Dial	Goodwin
Bedford	deGraffenried	Ellis	Hand

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22nd Day

1121

Holmes	Little	Parsons	Strong	
Langford	Mitchem	Smith (J)		—18
Nays:				—0

MOTION IN WRITING

Senator Strong offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 144, on page 160 of the Twenty-Second Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 144, referred to the Standing Committee on Rules for placement on the Consent Calendar.

FURTHER CONSIDERATION OF H. B. 554

The Senate proceeded to further consideration of the Bill, H. B. 554, as amended.

MOTION IN WRITING

Senator Goodwin offered the following Motion in Writing, to-wit:

I move that the Bill, H. B. 341, on page 129 of the Twenty-Second Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, H. B. 341, referred to the Standing Committee on Rules for placement on the Consent Calendar.

FURTHER CONSIDERATION OF H. B. 554

The Senate proceeded to further consideration of the Bill, H. B. 554, as amended.

And said Bill, H. B. 554, as amended, was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Senators:	deGraffenried	Hand	Smith (B)	
Bailey	Denton	Hilliard	Smith (J)	
Bedford	Ellis	Langford	Strong	
Bedsole	Foshee	Little	Teague	
Cabaniss	Goodwin	Menton		—18
Nays:				—0

Senator Bailey moved that the Senate reconsider the vote by which the Bill, H. B. 554, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 149. COMMENDING GOVERNOR JOHN M. PATTERSON UPON HIS APPOINTMENT TO THE ALABAMA COURT OF CRIMINAL APPEALS.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 346. To amend sections 22-50-1 thru 22-50-6, 22-50-8 thru 22-50-17, 22-50-19, 22-50-20 and 22-50-23 of the code of Alabama 1975, relating to the department of mental health so as to redesignate the department of mental health as the department of mental health and mental retardation; to designate the method of appointing members of the mental health and mental retardation board and to provide that such board shall be advisory, to specifically repeal Section 22-50-7, and to establish the department as a state agency responsible to the governor of Alabama.

was read a third time at length and passed.

Yes 18; Nays 1.

Yeas:

Senators:	Cabaniss	Goodwin	Smith (B)	
Barron	Corbett	Holmes	Smith (J)	
Bedford	deGraffenried	Langford	Strong	
Bedsale	Denton	Menton	Teague	
Bennett	Foshee	Mitchem		—18

Nay: Senator Hand —1

The Bill:

S. 538. To amend Chapter 17 of Title 27, Code of Alabama 1975, by adding a new section to modify the method of calculating reserves on burial insurance policies.

was read a third time at length and passed.

Yeas 22; Nays 1.

Yeas:

Senators:	Cabaniss	Foshee	Parsons	
Bailey	Corbett	Goodwin	Smith (B)	
Barron	deGraffenried	Hand	Smith (J)	
Bedford	Denton	Langford	Strong	
Bedsale	Dial	Menton	Teague	
Bennett	Ellis	Mitchem		—22

Nay: Senator Drinkard —1

The Bill:

S. 93. To provide for and define an additional income tax deduction for a qualified charitable contribution and for a qualified research contribu-

tion of certain personal property which is computer, scientific or technological equipment, as defined; to prescribe the conditions and calculations for such deductions; to provide that the same property does not qualify for more than one deduction; to prescribe the period for said deductions; to make the provisions retroactive and to provide for the powers and duties of the department of revenue.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 93, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 93

**A BILL
TO BE ENTITLED
AN ACT**

To provide for and define an additional income tax deduction for a qualified charitable contribution and for a qualified research contribution of certain personal property which is computer, scientific or technological equipment, as defined to any public educational institution, grades 1-12, 2-year and 4-year institutions of higher education, vocational and technical schools and colleges; to prescribe the conditions and calculations for such deductions; to provide that the same property does not qualify for more than one deduction; and to provide that such deductions are not applicable for individuals.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) In addition to any and all state income tax deductions provided by law, there shall be allowed as a credit against state income taxes (except the minimum franchise tax and the tax on preference income) an amount equal to 40 percent of the current fair market value of qualified charitable contributions at the time of the donation, not to exceed the basis of the property contributed.

(b) For purposes of this section, "qualified charitable contribution" means a charitable contribution of tangible personal property described in paragraph (1) of Section 1221 of the Internal Revenue Code of 1954, but only if all of the following conditions are met:

(1) The contribution is to a public educational institution, which is described in subsection (b)(1)(A)(ii) of Section 170 of the Internal Revenue Code of 1954 including grades 1 through 12, four-year and two-year institutions of higher education, vocational and technical schools and colleges.

(2) The contribution is made not later than one year after the date the construction of the property is substantially completed.

(3) The original use of the property is by the donee.

(4) The property is a computer, scientific or technological equipment, or apparatus all of the use of which by the donee is directly in the education of students of the State of Alabama.

(5) The property is not transferred by the donee in exchange for money, other property, or services.

(6) The taxpayer receives from the donee a written statement representing that its use and disposition of the property will be in accordance with these provisions.

(7) The property has the approval of the donee.

(c) The credit shall be in lieu of any other deduction under this part to which the taxpayer otherwise may be entitled, if any.

(d) In the case of a taxpayer whose credits exceed its tax liability computed under this part (except the minimum franchise tax and the tax on preference income) for the income year, the taxpayer shall be allowed a credit to the extent of that tax liability. At the election of the taxpayer, that portion of the credit which exceeds the taxes imposed by this part (except the minimum franchise tax and the tax on preference income) may be carried over to the taxes imposed by this part except the minimum franchise tax and the tax on preference income) in succeeding income years, with respect to which this section shall remain in effect for purposes of carrying over excess credit, until the credit is used. The credit shall be applied first to the earliest income years possible.

(e) The credit shall be claimed on tax returns filed after the date of this act.

(f) The department of revenue shall prescribe regulations as may be necessary to carry out the purposes of this section.

Section 2. (a) In addition to any and all state income tax deductions provided by law, there shall be allowed as a credit against state income taxes (except the minimum franchise tax and the tax on preference income), an amount equal to 40 percent of the basis of the property.

(b) For purposes of this section, "qualified research contribution" means a charitable contribution by a taxpayer of tangible personal property described in paragraph (1) of Section 1221 of the Internal Revenue Code of 1954, but only if all of the conditions of Section 1(b)(1) through (7) are met:

(c) For purposes of this section, the term "taxpayer" shall not include a service organization (as defined in Section 414(m)(3) of the Internal Revenue Code of 1954).

(d) The department of revenue shall prescribe reasonable rules and regulations as may be necessary to carry out the provisions of this act.

Section 3. No deduction shall be taken for a qualified charitable contribution for the same property for which a deduction is made for a qualified research contribution; nor shall any deduction for a qualified research contribution for the same property for which a deduction is made for a qualified charitable contribution. No individual shall be allowed a deduction under the provisions of this act.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 0.

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Yeas:

Senators:	Bennett	Foshee	Smith (B)	
Aldridge	Cabaniss	Goodwin	Smith (J)	
Barron	Corbett	Holmes	Strong	
Bedford	deGraffenried	Langford	Teague	
Bedsole	Dial	Menton		—18

Nays: —0

And said Bill, S. B. 93, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House.

Yeas 20; Nays 0.

Yeas:

Senators:	deGraffenried	Goodwin	Sanders	
Aldridge	Dial	Hand	Smith (B)	
Barron	Drinkard	Holmes	Smith (J)	
Bennett	Ellis	Langford	Strong	
Cabaniss	Foshee	Menton	Teague	
Corbett				—20

Nays: —0

MOTION TO ADJOURN

Senator Langford moved that when the Senate adjourns today, it adjourn to meet again on Thursday, April 26, 1984, at 12:01 A.M., which motion was adopted.

MOTION IN WRITING

On motion of Senator Dial, the Rules were suspended, and he was granted permission to offer the following Motion in Writing, to-wit:

I move that the Bill, S. B. 315, on page 120 of the Twenty-Second Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 315, referred to the Standing Committee on Rules for placement on the Consent Calendar.

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 195. RESOLVED BY THE SENATE That the following bills shall be the paramount and continuing order of business upon reaching bills on third reading for the twenty-second legislative day of the 1984 Regular Session and for each day thereafter taking precedence over all other business until disposed of:

Inst Id	Page
H. 81 MOTOR VEHICLES, SAFETY RESPONSIBILITY ACT, PROVIDED FURTHER FOR LIABILITY AMOUNTS AND ADDS TO DEFINITION OF "UNINSURED MOTOR VEHICLE" SEC. 32-7-5, 32-7-6, 32-7-16 AND 32-7-23 AMD.	119

On motion of Senator Bishop, the Resolution was adopted by the Senate.

SPECIAL ORDER
BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

H. 81. To amend Chapter 7 of Title 32 of the Code of Alabama 1975 commonly known as the Motor Vehicle Safety-Responsibility Act by amending Sections 32-7-5, 32-7-6 and 32-7-23 thereof so as to increase the amount of property damage which must be sustained to require an accident report to be filed and to increase the security required for an automobile or a motor vehicle liability policy while prohibiting duplication and the stacking of such under the uninsured and underinsured motorist coverage and make available underinsured motorist coverage under the Motor Vehicle Safety-Responsibility Act.

was taken up.

The Standing Committee on Judiciary reported the following substitute, for the Bill, H. B. 81, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 81**A BILL**
TO BE ENTITLED
AN ACT

To amend Chapter 7 of Title 32 of the Code of Alabama 1975 commonly known as the Motor Vehicle Safety-Responsibility Act by amending Sections 32-7-5, 32-7-6, 32-7-16 and 32-7-23 thereof so as to increase the amount of property damage which must be sustained to require an accident report to be filed and to provide what the term "uninsured motor vehicle" shall include under the uninsured motorist coverage section of the Motor Vehicle Safety-Responsibility Act, increases the amount of payment on judgments necessary to satisfy the requirements of the Motor Vehicle Safety-Responsibility Act, and to increase the minimum amount of liability required under a motor vehicle liability policy under the Motor Vehicle Safety-Responsibility Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-7-5, Code of Alabama 1975, is hereby amended to read as follows:

"§ 32-7-5. The operator of every motor vehicle which is in any manner involved in an accident within this state, in which any person is killed or injured or in which damage to the property of any one person, including himself, in excess of \$50.00 \$250.00 is sustained, shall within 10 days after such accident report the matter in writing to the director. Such report, the form of which shall be prescribed by the director, shall contain only such information as may be necessary to enable the director to determine whether the requirements for the deposit of security under section 32-7-6 are inapplicable by reason of existence of insurance or other exceptions specified in this chapter. The director may rely upon the accuracy of the information unless and until he has reason to believe that the information is erroneous. If such operator is physically incapable of making such report, the owner of the motor vehicle involved in such accident shall, within 10 days after learning of the accident, make such report. The operator or the owner shall furnish such additional relevant information as the director shall require."

Section 2. Section 32-7-6, Code of Alabama 1975, is hereby amended to read as follows:

"§ 32-7-6. (a) Security required unless evidence of insurance; when security determined. If 20 days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one person in excess of \$50.00 \$250.00, the director does not have on file evidence satisfactory to him that the person who would otherwise be required to file security under subsection (b) of this section has been released from liability, or has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the director shall determine the amount of security which shall be sufficient in his judgment to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against each operator or owner.

"(b) Suspension—The director shall, within 60 days after the receipt of such report of a motor vehicle accident, suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in such accident, and if such operator is a nonresident the privilege of operating a motor vehicle within this state, and if such owner is a nonresident the privilege of the use within this state of any motor vehicle owned by him, unless such operator or owner or both shall deposit security in the sum so determined by the director; provided that notice of such suspension shall be sent by the director to such operator and owner not less than 10 days prior to the effective date of such suspension and shall state the amount required as security. Where erroneous information is given the director with respect to the matters set forth in subdivisions (1), (2) or (3) of subsection (c) of this section, he shall take appropriate action as hereinbefore provided within 60 days after receipt of him of correct information with respect to said matters.

"(c) Exception—This section shall not apply under the conditions stated in Section 32-7-7 nor:

"(1) to such operator or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident;

"(2) to such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him;

"(3) to such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the director, covered by any other form of liability insurance policy or bond; and

"(4) to any person qualifying as a self-insurer under section 32-7-34, or to any person operating a motor vehicle for such self-insurer.

"No such policy or bond shall be effective under this section unless issued by an insurance company or surety company authorized to do business in this state; except, that if such motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this section unless the insurance company or surety company, if not authorized to do business in this state, shall execute a power of attorney authorizing the director to accept service on its behalf of notice or process in any action upon such

policy or bond arising out of such accident; provided, that every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than \$10,000.00-\$25,000.00 because of bodily injury to or death of one person in any one accident and subject to said limit for one person, to a limit of not less than \$20,000.00-\$50,000.00 because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than \$5,000.00-\$10,000.00 because of injury to or destruction of property of others in any one accident."

Section 3. Section 32-7-16, Code of Alabama 1975, is hereby amended to read as follows:

"§ 32-7-16. Judgments herein referred to shall, for the purpose of this chapter only, be deemed satisfied:

"(1) when \$10,000.00-\$25,000.00 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or

"(2) when, subject to such limit of \$10,000.00-\$25,000.00 because of bodily injury to or death of one person, the sum of \$20,000.00-\$50,000.00 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

"(3) when \$5,000.00-\$10,000.00 has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident.

"Payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section."

Section 4. Section 32-7-23, Code of Alabama 1975, is hereby amended to read as follows:

"§ 32-7-23. (a) No automobile liability or motor vehicle liability policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance or use of a motor vehicle shall be delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto, in limits for bodily injury or death set forth in subsection (c) of section 32-7-6, under provisions approved by the commissioner of insurance for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness or disease, including death, resulting therefrom; provided, that the named insured shall have the right to reject such coverage in writing, such coverage need not be provided in or supplemental to a renewal policy where the named insured had rejected the coverage in connection with the policy previously issued to him by the same insurer.

"(b) The term 'uninsured motor vehicle' shall include, but is not limited to, motor vehicles with respect to which: (1) neither the owner nor the operator carries bodily injury liability insurance; (2) any applicable policy liability limits for bodily injury are below the minimum required under section 32-7-6; (3) the insurer becomes insolvent after the policy is issued so there is no insurance applicable to, or at the time of, the accident; (4) the owner or operator of the vehicle causing the accident is unknown; (5) the

sum of the limits of liability under all bodily injury liability bonds and insurance policies available to an injured person after an accident is less than the damages which the injured person is legally entitled to recover.”

Section 5. This Act shall become effective immediately following its passage and approval by the Governor or upon its otherwise becoming a law.

Senator Barron offered the following substitute for the committee substitute for the Bill, H. B. 81, to-wit:

SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR H. B. 81

**A BILL
TO BE ENTITLED
AN ACT**

To amend Chapter 7 of Title 32 of the Code of Alabama 1975 commonly known as the Motor Vehicle Safety-Responsibility Act by amending Sections 32-7-5, 32-7-6 and 32-7-23 thereof so as to increase the amount of property damage which must be sustained to require an accident report to be filed and to increase the security required for an automobile or a motor vehicle liability policy while prohibiting duplication and the stacking of such under the uninsured and underinsured motorist coverage and make available underinsured motorist coverage under the Motor Vehicle Safety-Responsibility Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-7-5, Code of Alabama 1975, is hereby amended to read as follows:

“§ 32-7-5. The operator of every motor vehicle which is in any manner involved in an accident within this state, in which any person is killed or injured or in which damage to the property of any one person, including himself, in excess of \$50.00 \$200.00 is sustained, shall within 10 days after such accident report the matter in writing to the director. Such report, the form of which shall be prescribed by the director, shall contain only such information as may be necessary to enable the director to determine whether the requirements for the deposit of security under section 32-7-6 are inapplicable by reason of existence of insurance or other exceptions specified in this chapter. The director may rely upon the accuracy of the information unless and until he has reason to believe that the information is erroneous. If such operator is physically incapable of making such report, the owner of the motor vehicle involved in such accident shall, within 10 days after learning of the accident, make such report. The operator or the owner shall furnish such additional relevant information as the director shall require.”

Section 2. Section 32-7-6, Code of Alabama 1975, is hereby amended to read as follows:

“§ 32-7-6. (a) Security required unless evidence of insurance; when security determined. If 20 days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one person in excess of \$50.00 \$200.00, the director does not have on file evidence satisfactory to him that the person who would otherwise be required to file security under subsection (b) of this section has been released from liability, or has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement provid-

ing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the director shall determine the amount of security which shall be sufficient in his judgment to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against each operator or owner.

“(b) Suspension—The director shall, within 60 days after the receipt of such report of a motor vehicle accident, suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in such accident, and if such operator is a nonresident the privilege of operating a motor vehicle within this state, and if such owner is a nonresident the privilege of the use within this state of any motor vehicle owned by him, unless such operator or owner or both shall deposit security in the sum so determined by the director; provided that notice of such suspension shall be sent by the director to such operator and owner not less than 10 days prior to the effective date of such suspension and shall state the amount required as security. Where erroneous information is given the director with respect to the matters set forth in subdivisions (1), (2) or (3) of subsection (c) of this section, he shall take appropriate action as hereinbefore provided within 60 days after receipt of him of correct information with respect to said matters.

“(c) Exception—This section shall not apply under the conditions stated in Section 32-7-7 nor:

“(1) to such operator or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident;

“(2) to such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident of an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him;

“(3) to such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the director, covered by any other form of liability insurance policy or bond; and

“(4) to any person qualifying as a self-insurer under section 32-7-34, or to any person operating a motor vehicle for such self-insurer.

“No such policy or bond shall be effective under this section unless issued by an insurance company or surety company authorized to do business in this state; except, that if such motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this section unless the insurance company or surety company, if not authorized to do business in this state, shall execute a power of attorney authorizing the director to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident; provided, that every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than ~~\$10,000.00~~ \$15,000.00 because of bodily injury to or death of one person in any one accident and subject to said limit for one person, to a limit of not less than ~~\$20,000.00~~ \$30,000.00 because of bodily injury to or death of one person in any one accident and subject to said limit for one person, to a limit of not less than ~~\$20,000.00~~ \$30,000.00 because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than ~~\$5,000.00~~ \$10,000.00 be-

cause of injury to or destruction of property of others in any one accident.”

Section 3. Section 32-7-23, Code of Alabama 1975, is hereby amended to read as follows:

“§ 32-7-23. (a) No automobile liability or motor vehicle liability policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance or use of a motor vehicle shall be delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto, in limits for bodily injury or death set forth in subsection (c) of section 32-7-6, under provisions approved by the commissioner of insurance for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness or disease, including death, resulting therefrom; provided, that the named insured shall have the right to reject such coverage; and provided further, that unless the named insured requests such coverage in writing, such coverage need not be provided in or supplemental to a renewal policy any transfer, replacement, reinstatement, renewal or substitute policy where the named insured had rejected the coverage in connection with the policy previously issued to him by the same insurer.

“(b) The insurer shall also make available upon request of the insured uninsured motorist coverage in limits up to the limits provided in the policy for a loss resulting from liability imposed by law for bodily injury or death.

“The insurer shall also make available upon request of the insured underinsured motorist coverage in limits up to the limits provided in the policy for uninsured motorist coverage. Underinsured motorist coverage provides coverage for damage for bodily injury or death which an insured is legally entitled to collect from the owner or driver of an underinsured motor vehicle. An underinsured motor vehicle is a land motor vehicle, the ownership, maintenance, or use of which is insured or bonded for bodily injury or death at the time of the accident, but the limits of liability for bodily injury or death under such insurance or bonds are:

“(i) Less than the limits for underinsured motorist coverage under the insured’s policy; or

“(ii) Reduced by payments to persons other than an insured in the accident to less than the limits of underinsured motorist coverage under the insured’s policy. The maximum liability of the insurer under the underinsured motorist coverage provided shall be the lesser of;

“(a) The difference between the limit of underinsured motorist coverage and the amount paid to the insured by or for any person or organization who may be held legally liable for the bodily injury; or

“(b) The amount of damages sustained, but not recovered. The insurer shall have the option of combining uninsured and underinsured motorist coverages into one coverage.

“The coverage provided under this section shall not duplicate the benefits available to an insured under any workmen’s compensation law, disability benefits law, or any similar law, under any automobile liability or automobile medical expenses coverages, automobile death and dismemberment coverages or disability coverages under an automobile insurance policy, or from the owner or operator of the uninsured motor vehicle or any other person or organization jointly or severally liable together with such owner or

operator for the accident. Nor shall be coverage provided under this section increase the benefits under all available workmen's compensation and automobile insurance coverages to an aggregate amount exceeding the limits set forth in Section 32-7-6 or the policy if higher, in which event, only the policy on the vehicle involved, or if the insured is struck while a pedestrian, the highest limit of any one insured vehicle, shall apply."

Section 4. It is the intent of the legislature that the provisions of this act be not severable. If any paragraph, sentence, clause, provision or section be held to be unconstitutional, invalid, void, or inapplicable, the entire act shall be null and void.

Section 5. This act shall become effective on January 1, 1985.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 558. To amend Section 2-3-20, Code of Alabama (1975); to provide for farmers' market facilities throughout this State for the efficient handling and sale of agricultural and agriculture related products; to create a certain farmers' market committee to advise on matters pertaining to such facilities; to prescribe the composition of such committee and the terms, duties, meetings, regulations and compensation of its membership; to prescribe punishment for violators of regulations adopted pursuant to this Act.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF H. B. 81

The Senate proceeded to further consideration of the Bill, H. B. 81, and pending committee substitute. The question was on the substitute offered by Senator Barron.

MOTION IN WRITING

Senator Drinkard offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 534, on page 146 of the Twenty-Second Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 534, referred to the Standing Committee on Rules for placement on the Consent Calendar.

FURTHER CONSIDERATION OF H. B. 81

The Senate proceeded to further consideration of the Bill, H. B. 81, and pending committee substitute. The question was on the substitute offered by Senator Barron.

Senator Barron moved that further consideration of the Bill, H. B. 81, and pending substitutes, be postponed until the Thirtieth Legislative Day.

**REPORT OF
COMMITTEE ON RULES**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 93. To provide for and define an additional income tax deduction for a qualified charitable contribution and for a qualified research contribution of certain personal property which is computer, scientific or technological equipment, as defined to any public educational institution, grades 1-12, 2-year and 4-year institutions of higher education, vocational and technical schools and colleges; to prescribe the conditions and calculations for such deductions; to provide that the same property does not qualify for more than one deduction; and to provide that such deductions are not applicable for individuals.

CHARLES BISHOP,
Chairperson.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 346. To amend sections 22-50-1 thru 22-50-6, 22-50-8 thru 22-50-17, 22-50-19, 22-50-20 and 22-50-23 of the code of Alabama 1975, relating to the department of mental health so as to redesignate the department of mental health as the department of mental health and mental retardation; to designate the method of appointing members of the mental health and mental retardation board and to provide that such board shall be advisory, to specifically repeal Section 22-50-7, and to establish the department as a state agency responsible to the governor of Alabama.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 321. To establish service territories for electric suppliers within the State; to provide the means of eliminating or reducing the potential for du-

plication of electric distribution facilities used for furnishing retail electric service; to mandate and implement the determination of which electric supplier shall furnish retail electric service to electric customers within various areas of the State including areas within present and future corporate limits of municipalities; to provide that the primary electric supplier within each municipality in the State shall have the right, at its option, to purchase all distribution facilities of any secondary electric supplier used to supply retail electric service within the existing municipal limits and have the right to serve all premises within the existing municipal limits, subject to certain conditions; to define the right and obligation of municipalities and municipally-owned electric suppliers to provide electric service in areas outside the existing municipal limits; to provide for resolution of disputes between electric suppliers regarding sale or purchase of electric facilities; to provide for the applicability of certain provisions of Title 37, Code of Alabama (1975); to provide exemptions from the provisions of this Act for certain agreements between electric suppliers; to prohibit the providing of electric service in violation of this Act; to provide for judicial review and validation of the provisions of this Act by the courts and sets out procedures governing such proceedings and appeals therefrom; provides that the provisions of the Act are not severable and that if any provision is declared invalid under state law, the remaining provisions also shall be invalid, and further provides that if the Act is declared invalid, any actions taken by any party in conformity with the provisions of the Act shall be lawful but that any electric service rendered pursuant to the provisions of the Act shall be terminated; and to repeal all laws or parts of laws in conflict herewith.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF H. B. 81

The Senate proceeded to further consideration of the Bill, H. B. 81, and pending substitutes. The question was on the motion of Senator Barron that further consideration of the Bill and pending substitutes be postponed until the Thirtieth Legislative Day.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 149. COMMENDING GOVERNOR JOHN M. PATTERSON UPON HIS APPOINTMENT TO THE ALABAMA COURT OF CRIMINAL APPEALS.

Also:

S. J. R. 176. WELCOMING, IN COMMENDATION, PRESIDENT JIMMY CARTER TO THE STATE OF ALABAMA.

CHARLES BISHOP,
Chairperson.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a

quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Smith (With Notice and Proof):

H. 795. Relating to the City of Clanton in Chilton County; to alter the corporate boundaries so as to include additional lands within the corporate limits; and to provide for a referendum thereon.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 795, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Rep. Clark (W) (With Notice and Proof):

H. 803. Relating to the City of Prichard in Mobile County, Alabama; providing a certain reopening period for certain city employees and city library employees to become members of the "Municipal Employees Pension and Relief Fund" as provided for in Act No. 107, H. 150, of the 1956 Special Session (Acts 1956, p. 154), as amended, and prescribing rules and regulations relative to payment of necessary contributions to such fund for such employees who become members of such system as provided by this Act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 803, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Zoghby, Turner, Gaston, Kvalheim, and Box (With Notice and Proof):

H. 802. Relating to Mobile County; authorizing the county commission to extend, by resolution, the meeting days of the board of registrars during certain months as merited by certain circumstances and providing that this act shall be retroactive to May 1, 1982.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 802, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Mes-

sage from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 795. To the Committee on Local Legislation No. 1.

H. B.'s 803 and 802. To the Committee on Local Legislation No. 3.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Johnson (R.G.) (With Notice and Proof):

H. 779. Relating to Talladega County; authorizing certain county health officers or administrators to issue official death certificates, levy and collect fees therefor; and providing for the distribution of such revenues for county health purposes.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 779, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Onderdonk and Blakeney (With Notice and Proof):

H. 796. Relating to Clarke County; levying an additional ad valorem tax in the county to be used for school purposes and for the county general fund and providing for a referendum on such additional taxes.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 796, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

Also:

By Reps. Turnham and Rice (With Notice and Proof):

H. 814. Relating to Lee County: providing certain annual salaries for the probate judge, sheriff, tax assessor, and tax collector.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 814, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 779, 796, and 814. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Clark (J) and Richardson:

H. 77. To amend Section 9-14-27, Code of Alabama 1975, as last amended, relating to length of term of concession contracts, so as to extend the allowable term for state park concession contracts from six to ten years and the maximum term where major expenditures are made by concessionaire from twelve to twenty years.

Also:

By Rep. Venable:

H. 349. To amend Section 35-10-8, Code of Alabama 1975, relating to how notices of mortgage foreclosure sales are made, so as to provide how the notice of sale is made when there is no newspaper published in the county.

Also:

By Reps. Buskey (James), Box, and Marietta (With Notice and Proof):

H. 671. Relating to Mobile County; to amend Sections 1, 2, 3, 4, 5, 6, 9, 10, 13, 15, 16 and 18 of Act No. 2431, H. 2569 Regular Session 1971 (acts 1971, p. 3880 et. seq.) as amended, which relates to all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census; to provide for and create a County Racing Commission for the regulation, licensing and supervision of dog racing and wagering thereon, etc., so as to provide further for the appointment, qualifications, terms and compensation of members of the racing commission and to provide for a maximum amount of time prior to expiration of a term that a racing commissioner may be appointed; to provide further for the duties and responsibilities of the treasurer of the racing commission; to provide further for the compensation of counsel for the racing commission; to provide further for the duty of racing commission to make certain annual reports; to provide further for age requirements of certain employees; to provide further for the issuance of permits or licenses; to provide for additional withholding from pari-mutuel pools in certain instances and to provide for the use thereof; to provide for additional pari-mutuel betting; and to provide for distribution of outstanding unredeemed mutuel tickets.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 671, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,
Clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 77. To the Committee on Agriculture, Conservation, and Forestry.

H. B. 349. To the Committee on Judiciary.

H. B. 671. To the Committee on Local Legislation No. 3.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Flowers:

H. 696. Relating to the abandonment of the commission form of government by Class 7 municipalities; providing for the call of a referendum on the adoption of a mayor-council form of government with five (5) single-member districts; providing for the establishment of boundaries of districts, salaries of the mayor and council, and the call of the election of mayor and council; providing for the term of office of the initial mayor and council; providing the election laws to be applied; providing for reapportionment of council districts; providing for the preservation of other officers, their powers, duties, rights, privileges, and emoluments, for the preservation and transfer of all property owned by the municipality, all contracts in force, all legal proceedings, and pension funds; providing for the continuation of all subordinate agencies of the municipality and all ordinances; providing for an effective date of this act, the repeal of all conflicting laws, and the severability of the provisions of this act.

Also:

By Rep. Turner:

H. 412. To propose and provide for the submission of an amendment to the Constitution of Alabama of 1901 authorizing Mobile County under certain conditions to issue its general obligation bonds for the purpose of refunding any one or more issues of Outstanding Securities (as defined herein), to be additionally secured by a pledge of the special ad valorem tax provided for in Amendment XVIII to said Constitution, as amended; authorizing Mobile County to apply proceeds of the Special Tax (as defined herein), whether or not any such bonds are issued, for payment of the Outstanding Securities; providing that none of the said bonds shall be chargeable against the limitation on the indebtedness of Mobile County contained in Section 224 of said Constitution and specifying certain details pertaining to the said bonds and leases.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were read one time and referred to appropriate Standing Committees, as follows:

H. B. 696. To the Committee on Governmental Affairs.

H. B. 412. To the Committee on Local Legislation No. 3.

The above numbered Bill, H. B. 412, was read a first time at length as required by the Constitution.

FURTHER CONSIDERATION OF H. B. 81

The Senate proceeded to further consideration of the Bill, H. B. 81, and pending substitutes. The question was on the motion of Senator Barron that further consideration of the Bill and pending substitutes be postponed until the Thirtieth Legislative Day.

MOTION IN WRITING

Senator Langford offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 452, on page 96 of the Twenty-Second Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 452, referred to the Standing Committee on Rules for placement on the Consent Calendar.

FURTHER CONSIDERATION OF H. B. 81

The Senate proceeded to further consideration of the Bill, H. B. 81, and pending substitutes. The question was on the motion of Senator Barron that further consideration of the Bill and pending substitutes be postponed until the Thirtieth Legislative Day.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Biddle:

H. J. R. 284. DESIGNATING APRIL 30—MAY 6, 1984, AS BOBBY ALLISON WEEK IN ALABAMA.

WHEREAS, Robert Arthur Allison of Hueytown, Alabama, is a veteran stock car racer who has carved for himself a niche in sports annals and, in so doing, has earned more than \$4 million in prize money; and

WHEREAS, Bobby Allison, one of the sport's most popular drivers with fans and drivers alike, has been five times voted Most Popular Driver of the NASCAR Circuit by his fellow competitors, is the recipient of the prestigious Olsonite Driver of the Year Award by a panel of top national sports writers, and is a member of the Alabama Sports Hall of Fame; and

WHEREAS, among Mr. Allison's victories, too numerous to list, are 79 Winston Cup wins, 47 superspeedway wins, 22 superspeedway poles and, in 1983, the Winston Cup Grand National Championship; already to his credit in '84, is a new Rockingham, North Carolina, track record of 122.93 miles per hour, and a big "win" in the Warner W. Hodgdon Carolina 500, both early events of this year's NASCAR 30-Race Winston Cup circuit; and

WHEREAS, Bobby Allison is indeed the superstar of NASCAR and it is entirely appropriate that he be honored by the State to which he has brought great fame and distinction; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate April 30—May 6, 1984, as Bobby Allison Week in the State of Alabama.

BE IT FURTHER RESOLVED, That Mr. Allison receive a copy of this

resolution as a memento of this honorary designation of the Alabama Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Senator Cabaniss, the Rules were suspended and the Resolution, H. J. R. 284, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

FURTHER CONSIDERATION OF H. B. 81

The Senate proceeded to further consideration of the Bill, H. B. 81, and pending substitutes. The question was on the motion of Senator Barron that further consideration of the Bill and pending substitutes be postponed until the Thirtieth Legislative Day.

MOTIONS IN WRITING

Senator Hilliard offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 553, on page 142 of the Twenty-Second Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 553, referred to the Standing Committee on Rules for placement on the Consent Calendar.

Senator Hilliard then offered the following Motion in Writing, to-wit:

I move that the Bill, S. B. 554, on page 143 of the Twenty-Second Day Calendar, be referred to the Standing Committee on Rules for placement on the Consent Calendar.

Which was adopted, and the President and Presiding Officer of the Senate ordered said Bill, S. B. 554, referred to the Standing Committee on Rules for placement on the Consent Calendar.

FURTHER CONSIDERATION OF H. B. 81

The Senate proceeded to further consideration of the Bill, H. B. 81, and pending substitutes. The question was on the motion of Senator Barron that further consideration of the Bill and pending substitutes be postponed until the Thirtieth Legislative Day.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 149

S. J. R. 176

Delivered to the Governor, April 25, 1984, at 4:28 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

The hour of midnight having arrived, in accordance with motion heretofore adopted, and pending further consideration of the Bill, H. B. 81, the Senate adjourned until Thursday, April 26, 1984, at 12:01 A.M.

TWENTY-THIRD LEGISLATIVE DAY**THURSDAY, APRIL 26, 1984**

The Senate met pursuant to adjournment, Lieutenant Governor Baxley presiding.

PRAYER

The Session was opened with prayer by Mr. Willie McQueen, Deacon, Pilgrim Baptist Church, Ramer, Alabama.

PLEDGE OF ALLEGIANCE

The Senators were led in the Pledge of Allegiance to the Flag of the United States of America by Ashley Aaron, Elmore County High School, Eclectic, Alabama.

ROLL CALL

Present:

Senators:	Cabaniss	Figures	Menton
Aldridge	Cooley	Foshee	Mitchem
Amari	Corbett	Goodwin	Parsons
Bailey	Covington	Hand	Sanders
Barron	deGraffenried	Hilliard	Smith (B)
Bedford	Denton	Holmes	Smith (J)
Bedsole	Dial	Langford	Strong
Bennett	Drinkard	Little	Teague
Bishop	Ellis		

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JOURNAL

On motion of Senator Teague, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

Yeas 18; Nays 10.

Yeas:

Senators:	Corbett	Goodwin	Parsons
Aldridge	deGraffenried	Hilliard	Sanders
Bedford	Drinkard	Langford	Strong
Bennett	Ellis	Little	Teague
Cooley	Foshee	Menton	

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Nays:

Senators:	Cabaniss	Dial	Smith (B)
Barron	Covington	Hand	Smith (J)
Bedsole	Denton	Mitchem	

—10

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the

Twenty-Second Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

CHARLES BISHOP,
Chairperson.

COMMITTEE REPORT

On motion of Senator Bishop, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Second Legislative Day was approved by the Senate.

LEAVE OF ABSENCE

On motion of Senator Teague, leave of absence was granted Senators Dixon and Pearson for today.

MOTION TO ADJOURN

Senator Teague moved that when the Senate adjourns today, it adjourn to meet again on Friday, April 27, 1984, at 12:01 A.M., which motion was adopted.

RULE 17 INVOKED

Senator Hand moved that the provisions of Rule 17 be strictly enforced today, which motion was adopted.

UNFINISHED BUSINESS

BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

H. 81. To amend Chapter 7 of Title 32 of the Code of Alabama 1975 commonly known as the Motor Vehicle Safety-Responsibility Act by amending Sections 32-7-5, 32-7-6 and 32-7-23 thereof so as to increase the amount of property damage which must be sustained to require an accident report to be filed and to increase the security required for an automobile or a motor vehicle liability policy while prohibiting duplication and the stacking of such under the uninsured and underinsured motorist coverage and make available underinsured motorist coverage under the Motor Vehicle Safety-Responsibility Act.

and pending substitutes, which said substitutes are set out in the Journal of the Senate for the Twenty-Second Legislative Day.

Senator Barron offered the following Motion in Writing, to-wit:

MOTION IN WRITING

I move that further consideration of the Bill, H. B. 81, and pending substitutes, be postponed until the Thirtieth Legislative Day.

Senator Teague offered the following Motion in Writing, to-wit:

MOTION IN WRITING

I move that the Motion in Writing to postpone the Bill, H. B. 81, until the Thirtieth Legislative Day be laid on the table.

Which said motion was adopted, and the motion to postpone the Bill,

H. B. 81, and pending substitutes until the Thirtieth Legislative Day was laid on the table.

Senator Cabaniss offered the following Motion in Writing, to-wit:

MOTION IN WRITING

I move that further consideration of the Bill, H. B. 81, and pending substitutes, be postponed until the Twenty-Ninth Legislative Day.

REPORT OF COMMITTEE ON RULES

Mr. President Pro Tem:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 321. To establish service territories for electric suppliers within the State; to provide the means of eliminating or reducing the potential for duplication of electric distribution facilities used for furnishing retail electric service; to mandate and implement the determination of which electric supplier shall furnish retail electric service to electric customers within various areas of the State including areas within present and future corporate limits of municipalities; to provide that the primary electric supplier within each municipality in the State shall have the right, at its option, to purchase all distribution facilities of any secondary electric supplier used to supply retail electric service within the existing municipal limits and have the right to serve all premises within the existing municipal limits, subject to certain conditions; to define the right and obligation of municipalities and municipally-owned electric suppliers to provide electric service in areas outside the existing municipal limits; to provide for resolution of disputes between electric suppliers regarding sale or purchase of electric facilities; to provide for the applicability of certain provisions of Title 37, Code of Alabama (1975); to provide exemptions from the provisions of this Act for certain agreements between electric suppliers; to prohibit the providing of electric service in violation of this Act; to provide for judicial review and validation of the provisions of this Act by the courts and sets out procedures governing such proceedings and appeals therefrom; provides that the provisions of the Act are not severable and that if any provision is declared invalid under state law, the remaining provisions also shall be invalid, and further provides that if the Act is declared invalid, any actions taken by any party in conformity with the provisions of the Act shall be lawful but that any electric service rendered pursuant to the provisions of the Act shall be terminated; and to repeal all laws or parts of laws in conflict herewith.

CHARLES BISHOP,
Chairperson.

SIGNING OF BILLS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Bill, the title of which is set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF H. B. 81

The Senate proceeded to further consideration of the Bill, H. B. 81,

and pending substitutes. The question was on the motion of Senator Cabaniss that further consideration of the Bill and pending substitutes be postponed until the Twenty-Ninth Legislative Day.

MESSAGE FROM THE HOUSE

Mr. President Pro Tem:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 284. DESIGNATING APRIL 30—MAY 6, 1984, AS BOBBY ALLISON WEEK IN ALABAMA.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President Pro Tempore of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF H. B. 81

The Senate proceeded to further consideration of the Bill, H. B. 81, and pending substitutes. The question was on the motion of Senator Cabaniss that further consideration of the Bill and pending substitutes be postponed until the Twenty-Ninth Legislative Day.

Senator Mitchem offered the following Motion in Writing, to-wit:

MOTION IN WRITING

I move that the Motion in Writing to postpone the Bill, H. B. 81, and pending substitutes until the Twenty-Ninth Legislative Day be laid on the table.

Which motion was adopted, and the motion to postpone the Bill, H. B. 81, and pending substitutes until the Twenty-Ninth Legislative Day was laid on the table.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Rep. Turnham:

H. 585. To make legislative findings regarding the need to provide additional methods of providing facilities employed in the provision of certain utility services, including water and sewer services, as well as the need for funds to finance such facilities; to define the particular terms used in the subsequent provisions of this act; to provide for and authorize the incorporation by any county or municipality in the state of one or more public corporations and instrumentalities of the state, upon the filing of an application with, and the making of certain determinations by, the governing body of a county or municipality; to provide for and authorize the certificate of incorporation of any such corporation to be amended at any time

and from time to time upon the filing of applications with, and the making of certain determinations by, the governing body of such county or municipality; to provide for a board of directors of any such corporation and the election and removal of the members thereof; to authorize any such corporation to acquire, construct, own, lease, make loans with respect to, operate, or enter into contracts for the operation of, facilities, and to provide for the general powers to be exercised by any such corporation and the conditions under which such powers may be exercised; to empower any such corporation to borrow money for its various corporate purposes and in evidence thereof to issue its notes, bonds and other obligations payable solely out of the revenues, receipts, income, funds or other sources specified in the proceedings under which such bonds, notes or other obligations are issued; to authorize any such corporation to pledge its revenues and mortgage or assign its assets as security for its notes, bonds or other obligations; to provide for the issuance of refunding bonds, notes or other obligations by any corporation for the purpose of refunding bonds, notes or other obligations theretofore issued or assumed by it; to provide a method for giving constructive notice of any mortgage, security interest, assignment or pledge created or made by any such corporation; to provide that the notes, bonds or other obligations of any such corporation shall not constitute or create a debt of the state or any county, municipality or other political subdivision or agency thereof; to provide that the notes, bonds and other obligations of any such corporation may be used for the investment of trusts and other fiduciary funds; to exempt from all taxation in the state the property, corporate activities, revenues and income of such corporation, such transaction or actions to which each such corporation is a party or in which it may be involved, and the notes, bonds and all other obligations of each such corporation and the income from such notes, bonds and obligations; to exempt any such corporation from all laws of the state governing usury or prescribing or limiting interest rates; to exempt any such corporation from all laws of the state requiring competitive bids for contracts to be entered into by counties, municipalities or public corporations; to exempt all utility services agreements and other contracts relating to the design, construction, acquisition, financing or operation of facilities financed by a corporation from all laws of the state requiring competitive bids for contracts to be entered into by counties, municipalities or public corporations and all laws relating to the maximum duration of contracts for the sale of personal property and contractual services to counties, municipalities or public corporations; to provide for liberal construction of the provisions of this act; to confer upon any corporation organized under the provisions of this act the power of eminent domain; to exempt any corporation organized under the provisions of this act from state supervision and control; to provide that any county, municipality or other political subdivision, agency or instrumentality of the state or any county or municipality may aid and cooperate with any such corporation, lend or donate money or perform services for the benefit thereof, and, without the necessity of an election, donate, sell, convey, transfer, lease or grant thereto any property of any kind; to authorize any county, municipality or other political subdivision, agency or instrumentality thereof and the Tannehill Furnace and Foundry Commission to enter into utility services agreements, for a term not exceeding forty (40) years, providing for the provision of utility services to such entity by a provider under circumstances in which the facilities for the provision of such utility services are financed, in whole or in part, by a corporation; to provide that such entity may unconditionally and absolutely obligate itself to make payments pursuant to such utility services agreement irrespective of the performance of the facilities or the delivery of the pertinent utility services; to

provide that a utility services agreement may provide that when more than one such entity shall be a party to such a utility services agreement and one such entity shall default in its obligations thereunder, then the other such entity or entities may be obligated to assume the payment obligations of such defaulting entity; to provide legal and equitable remedies for the breach of utility services agreements; to prohibit any city, county or instrumentality of either thereof to enter into any utility services agreement or related agreements for the acquisition, construction, equipment or operation of any facilities unless the same shall have been approved by such entity after a public hearing following public notice; to provide that any such corporation shall be a nonprofit corporation; to provide that any such corporation may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds, notes or other obligations by such corporation, and to provide that any action or proceeding questioning the validity of any such bonds, notes or other obligations or instruments securing the same must be commenced within thirty (30) days after the first publication of said notice; to provide for the dissolution of any such corporation and for the vesting of title to its properties; and to provide that the provisions of this act shall be severable.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 585. To the Committee on Finance and Taxation.

FURTHER CONSIDERATION OF H. B. 81

The Senate proceeded to further consideration of the Bill, H. B. 81, and pending substitutes.

Senator Aldridge offered the following Motion in Writing, to-wit:

MOTION IN WRITING

I move that the Barron substitute for the committee substitute be laid on the table.

Which motion was adopted, and the Barron substitute for the committee substitute for the Bill, H. B. 81, was laid on the table.

Senator Teague offered the following substitute for the committee substitute for the Bill, H. B. 81, to-wit:

SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR H. B. 81

A BILL TO BE ENTITLED AN ACT

To amend Chapter 7 of Title 32 of the Code of Alabama 1975 commonly known as the Motor Vehicle Safety-Responsibility Act by amending Sections 32-7-5, 32-7-6, 32-7-16 and 32-7-23 thereof so as to increase the amount of property damage which must be sustained to require an accident report to be filed and to provide what the term "uninsured motor vehicle"

shall include under the uninsured motorist coverage section of the Motor Vehicle Safety-Responsibility Act, increases the amount of payment on judgments necessary to satisfy the requirements of the Motor Vehicle Safety-Responsibility Act, and to increase the minimum amount of liability required under a motor vehicle liability policy under the Motor Vehicle Safety-Responsibility Act, and to require all motor vehicle operators to have certain liability insurance coverage or financial security and to furnish proof of such coverage or security and provides criminal sanctions for violating the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-7-5, Code of Alabama 1975, is hereby amended to read as follows:

"§ 32-7-5. The operator of every motor vehicle which is in any manner involved in an accident within this state, in which any person is killed or injured or in which damage to the property of any one person, including himself, in excess of \$50.00 \$250.00 is sustained, shall within 10 days after such accident report the matter in writing to the director. Such report, the form of which shall be prescribed by the director, shall contain only such information as may be necessary to enable the director to determine whether the requirements for the deposit of security under section 32-7-6 are inapplicable by reason of existence of insurance or other exceptions specified in this chapter. The director may rely upon the accuracy of the information unless and until he has reason to believe that the information is erroneous. If such operator is physically incapable of making such report, the owner of the motor vehicle involved in such accident shall, within 10 days after learning of the accident, make such report. The operator or the owner shall furnish such additional relevant information as the director shall require."

Section 2. Section 32-7-6, Code of Alabama 1975, is hereby amended to read as follows:

"§ 32-7-6. (a) Security required unless evidence of insurance; when security determined. If 20 days after the receipt of a report of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one person in excess of \$50.00 \$250.00, the director does not have on file evidence satisfactory to him that the person who would otherwise be required to file security under subsection (b) of this section has been released from liability, or has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the director shall determine the amount of security which shall be sufficient in his judgment to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against each operator or owner.

"(b) Suspension—The director shall, within 60 days after the receipt of such report of a motor vehicle accident, suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in such accident, and if such operator is a nonresident the privilege of operating a motor vehicle within this state, and if such owner is a nonresident the privilege of the use within this state of any motor vehicle owned by him, unless such operator or owner or both shall deposit security in the sum so determined by the director; provided that notice of such suspension shall be sent by the director to such operator and owner not less than 10 days prior to the effective date of such suspension and shall state the

amount required as security. Where erroneous information is given the director with respect to the matters set forth in subdivisions (1), (2) or (3) of subsection (c) of this section, he shall take appropriate action as hereinbefore provided within 60 days after receipt of him of correct information with respect to said matters.

“(c) Exception—This section shall not apply under the conditions stated in Section 32-7-7 nor:

“(1) to such operator or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident;

“(2) to such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him;

“(3) to such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the director, covered by any other form of liability insurance policy or bond; and

“(4) to any person qualifying as a self-insurer under section 32-7-34, or to any person operating a motor vehicle for such self-insurer.

“No such policy or bond shall be effective under this section unless issued by an insurance company or surety company authorized to do business in this state; except, that if such motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this section unless the insurance company or surety company, if not authorized to do business in this state, shall execute a power of attorney authorizing the director to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident; provided, that every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than ~~\$10,000.00~~ ~~\$25,000.00~~ because of bodily injury to or death of one person in any one accident and subject to said limit for one person, to a limit of not less than ~~\$20,000.00~~ ~~\$50,000.00~~ because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than ~~\$5,000.00~~ ~~\$10,000.00~~ because of injury to or destruction of property of others in any one accident.”

Section 3. Section 32-7-16, Code of Alabama 1975, is hereby amended to read as follows:

“§ 32-7-16. Judgments herein referred to shall, for the purpose of this chapter only, be deemed satisfied:

“(1) when ~~\$10,000.00~~ ~~\$25,000.00~~ has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or

“(2) when, subject to such limit of ~~\$10,000.00~~ ~~\$25,000.00~~ because of bodily injury to or death of one person, the sum of ~~\$20,000.00~~ ~~\$50,000.00~~ has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

“(3) when ~~\$5,000.00~~ ~~\$10,000.00~~ has been credited upon any judgment or

judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident.

"Payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section."

Section 4. Section 32-7-23, Code of Alabama 1975, is hereby amended to read as follows:

"§ 32-7-23. (a) No automobile liability or motor vehicle liability policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance or use of a motor vehicle shall be delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto, in limits for bodily injury or death set forth in subsection (c) of section 32-7-6, under provisions approved by the commissioner of insurance for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness or disease, including death, resulting therefrom; provided, that the named insured shall have the right to reject such coverage in writing, such coverage need not be provided in or supplemental to a renewal policy where the named insured had rejected the coverage in connection with the policy previously issued to him by the same insurer.

"(b) The term "uninsured motor vehicle" shall include, but is not limited to, motor vehicles with respect to which: (1) neither the owner nor the operator carries bodily injury liability insurance; (2) any applicable policy liability limits for bodily injury are below the minimum required under section 32-7-6; (3) the insurer becomes insolvent after the policy is issued so there is no insurance applicable to, or at the time of, the accident; (4) the owner or operator of the vehicle causing the accident is unknown; (5) the sum of the limits of liability under all bodily injury liability bonds and insurance policies available to an injured person after an accident is less than the damages which the injured person is legally entitled to recover."

Section 5. To require all motor vehicle operators to have certain liability insurance coverage or financial security and to furnish proof of such coverage or security and provides criminal sanctions for violating the provisions of this act.

(a) On and after January 1, 1985, no motor vehicle, as defined by Section 32-7-2, Code of Alabama 1975, may be operated in this state unless financial security authorized by the Motor Vehicle Safety-Responsibility Act or a policy of automobile liability insurance in at least the minimum amount required by Section 32-7-6 (c), Code of Alabama 1975, is in effect to insure against potential losses which may arise out of the operation of that vehicle.

(b) On and after January 1, 1985, every owner and/or operator shall have proof of ownership of proper automobile liability insurance or other authorized financial security as provided in Section (a) in his immediate possession at all times when driving a motor vehicle and shall display the same, upon demand of a law enforcement officer of the state, any county, or municipality or other political entity, or agent of the Department of Public Safety or to another person involved in an accident with said owner and/or operator. However, no person charged with violating this section shall be

convicted if he produces in court or the office of the arresting officer proper proof which was valid at the time of the arrest.

(c) Any person who violates the provisions of this act shall, upon conviction in a proper court of law, be guilty of a Class C misdemeanor as defined by the Code of Alabama 1975. Subsequent offenses shall constitute a Class B misdemeanor as defined by the Code of Alabama 1975.

Any person who knowingly gives false or fraudulent information regarding said person's automobile insurance or other financial security to a law enforcement officer shall be guilty upon conviction in a proper court of law of a separate offense which shall constitute a Class B misdemeanor as defined by the Code of Alabama 1975.

(d) Failure to give information as required in Section (b) or the giving of information which is false, will raise a rebuttable presumption of failure to maintain financial responsibility.

Section 6. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed. Nothing in this act should be construed to abrogate the exclusions, terms, conditions or other provisions of any policy of automobile liability insurance which has been approved by the Insurance Commissioner.

Section 8. This act shall become effective January 1, 1985 upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Senator Langford offered the following substitute for the committee substitute, as amended, for the Bill, H. B. 81, to-wit:

**SUBSTITUTE FOR COMMITTEE SUBSTITUTE AS
AMENDED FOR H. B. 81**

**A BILL
TO BE ENTITLED
AN ACT**

To amend Chapter 7 of Title 32 of the Code of Alabama 1975 commonly known as the Motor Vehicle Safety-Responsibility Act by amending Sections 32-7-5, 32-7-6, 32-7-16 and 32-7-23 thereof so as to increase the amount of property damage which must be sustained to require an accident report to be filed and to provide what the term "uninsured motor vehicle" shall include under the uninsured motorist coverage section of the Motor Vehicle Safety-Responsibility Act, increases the amount of payment on judgments necessary to satisfy the requirements of the Motor Vehicle Safety-Responsibility Act, and to increase the minimum amount of liability required under a motor vehicle liability policy under the Motor Vehicle Safety-Responsibility Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-7-5, Code of Alabama 1975, is hereby amended to read as follows:

"§ 32-7-5. The operator of every motor vehicle which is in any manner

involved in an accident within this state, in which any person is killed or injured or in which damage to the property of any one person, including himself, in excess of \$50.00 \$250.00 is sustained, shall within 10 days after such accident report the matter in writing to the director. Such report, the form of which shall be prescribed by the director, shall contain only such information as may be necessary to enable the director to determine whether the requirements for the deposit of security under section 32-7-6 are inapplicable by reason of existence of insurance or other exception specified in this chapter. The director may rely upon the accuracy of the information unless and until he has reason to believe that the information is erroneous. If such operator is physically incapable of making such report, the owner of the motor vehicle involved in such accident shall, within 10 days after learning of the accident, make such report. The operator or the owner shall furnish such additional relevant information as the director shall require."

Section 2. Section 32-7-6, Code of Alabama 1975, is hereby amended to read as follows:

"§ 32-7-6. (a) Security required unless evidence of insurance; when security determined. If 20 days after the receipt of a motor vehicle accident within this state which has resulted in bodily injury or death, or damage to the property of any one person in excess of \$50.00 \$250.00, the director does not have on file evidence satisfactory to him that the person who would otherwise be required to file security under subsection (b) of this section has been released from liability, or has been finally adjudicated not to be liable, or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments with respect to all claims for injuries or damages resulting from the accident, the director shall determine the amount of security which shall be sufficient in his judgment to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against each operator or owner.

"(b) Suspension—The director shall, within 60 days after the receipt of such report of a motor vehicle accident, suspend the license of each operator and all registrations of each owner of a motor vehicle in any manner involved in such accident, and if such operator is a nonresident the privilege of operating a motor vehicle within this state, and if such owner is a nonresident the privilege of the use within this state of any motor vehicle owned by him, unless such operator or owner or both shall deposit security in the sum so determined by the director; provided that notice of such suspension shall be sent by the director to such operator and owner not less than 10 days prior to the effective date of such suspension and shall state the amount required as security. Where erroneous information is given the director with respect to the matters set forth in subdivisions (1), (2) or (3) of subsection (c) of this section, he shall take appropriate action as hereinbefore provided within 60 days after receipt of him of correct information with respect to said matters.

"(c) Exception—This section shall not apply under the conditions stated in Section 32-7-7 nor:

"(1) to such operator or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident;

"(2) to such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him;

“(3) to such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the director, covered by any other form of liability insurance policy or bond; and

“(4) to any person qualifying as a self-insurer under section 32-7-34, or to any person operating a motor vehicle for such self-insurer.

“No such policy or bond shall be effective under this section unless issued by an insurance company or surety company authorized to do business in this state; except, that if such motor vehicle was not registered in this state, or was a motor vehicle which was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, such policy or bond shall not be effective under this section unless the insurance company or surety company, if not authorized to do business in this state, shall execute a power of attorney authorizing the director to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident; provided, that every such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than \$10,000.00-\$20,000.00 because of bodily injury to or death of one person in any one accident and subject to said limit for one person, to a limit of not less than \$20,000.00-\$40,000.00 because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than \$5,000.00-\$10,000.00 because of injury to or destruction of property of others in any one accident.”

Section 3. Section 32-7-16, Code of Alabama 1975, is hereby amended to read as follows:

“§ 32-7-16. Judgments herein referred to shall, for the purpose of this chapter only, be deemed satisfied:

“(1) when \$10,000.00-\$20,000.00 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident;

“(2) when, subject to such limit of \$10,000.00-\$20,000.00 because of bodily injury to or death of one person, the sum of \$20,000.00-\$40,000.00 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

“(3) when \$5,000.00-\$10,000.00 has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident.

“Payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident shall be credited in reduction of the amounts provided for in this section.”

Section 4. Section 32-7-23, Code of Alabama 1975, is hereby amended to read as follows:

“§ 32-7-23. (a) No automobile liability or motor vehicle liability policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance or use of a motor vehicle shall be delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto, in limits for bodily injury or death set forth in subsection (c) of section 32-7-6, under provisions approved by the commissioner of insurance for the protec-

tion of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness or disease, including death, resulting therefrom; provided, that the named insured shall have the right to reject such coverage in writing, such coverage need not be provided in or supplemental to a renewal policy where the named insured had rejected the coverage in connection with the policy previously issued to him by the same insurer.

“(b) The term “uninsured motor vehicle” shall include, but is not limited to, motor vehicles with respect to which: (1) neither the owner nor the operator carries bodily injury liability insurance; (2) any applicable policy liability limits for bodily injury are below the minimum required under section 32-7-6; (3) the insurer becomes insolvent after the policy is issued so there is no insurance applicable to, or at the time of, the accident; (4) the sum of the limits of liability under all bodily injury liability bonds and insurance policies available to an injured person after an accident is less than the damages which the injured person is legally entitled to recover.

“(c) The recovery by an injured person under the uninsured provisions of any one contract of automobile insurance shall be limited to the primary coverage plus such additional coverage as may be provided for additional vehicles, but not to exceed two additional coverages within such contract.”

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed. Nothing in this act should be construed to abrogate the exclusions, terms, conditions or other provisions of any policy of automobile liability insurance which has been approved by the Insurance Commissioner.

Section 7. This act shall become effective January 1, 1985 upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

And said committee substitute, as amended by the Teague substitute, as amended by the Langford substitute, for the Bill, H. B. 81, was then adopted by the Senate.

Yeas 19; Nays 8.

Yeas:

Senators:	Cooley	Foshee	Menton	
Aldridge	Corbett	Hilliard	Parsons	
Amari	deGraffenried	Holmes	Sanders	
Bailey	Drinkard	Langford	Strong	
Bedford	Ellis	Little	Teague	—19

Nays:

Senators:	Cabaniss	Dial	Smith (B)	
Barron	Covington	Hand	Smith (J)	
Bedsole				—8

And said Bill, H. B. 81, as amended by the substitute, was read a third time at length and passed.

**REGULAR SESSION
23rd Day**

1155

Yeas 18; Nays 10.

Yeas:

Senators:	Cooley	Foshee	Parsons
Aldridge	Corbett	Hilliard	Sanders
Amari	deGraffenried	Holmes	Strong
Bailey	Drinkard	Langford	Teague
Bedford	Ellis	Little	—18

Nays:

Senators:	Cabaniss	Goodwin	Smith (B)
Barron	Covington	Hand	Smith (J)
Bedsole	Dial	Mitchem	—10

Senator Teague moved that the Senate reconsider the vote by which the Bill, H. B. 81, as amended, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

REPORTS OF COMMITTEES

Senator Bishop, Chairperson of the Standing Committee on Rules, reported that the following Bill has been placed at the end of the Regular Order Calendar for today, to-wit:

By Reps. Holmes, Kennedy, Buskey (James), Rogers, Horn, Buskey (John), Bryant, Clark (W), Black, McDowell, Melton, Spratt, Davis, Escott, and Thomas:

H. 266. To amend Section 1-3-8 of the Code of Alabama 1975, relating to observance of state holidays, so as to provide further for such holidays.

Senator Bishop, Chairperson of the Standing Committee on Rules, then reported that the following Bill has been placed on the Consent Calendar for today, to-wit:

By Senator Barron (With Substitute):

S. 380. To update Section 40-18-31, Code of Alabama, 1975, which levies and imposes upon every corporation organized under the laws of Alabama a tax on their entire net income so as to allow separate recognition of "Subchapter S Corporations" organized under the laws of Alabama and to provide for pass-through tax treatment to shareholders of said domestic "Subchapter S Corporations" in accordance with similar provisions under federal law.

MOTION TO ADJOURN RECONSIDERED

Senator Teague moved that the Senate reconsider the vote by which the motion to adjourn until 12:01 A.M. was adopted.

On motion of Senator Teague, said motion setting the 12:01 A.M. adjournment time was laid on the table.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Bill delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 321

Delivered to the Governor, April 26, 1984, at 1:20 P.M.

McDOWELL LEE,
Secretary of Senate.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 11:45 P.M., on motion of Senator Teague, the Senate adjourned until Tuesday, May 1, 1984, at 1:30 P.M.